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International Covenant on Civil and Political Rights

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Human Rights Committee
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Summary record of the 3500th meeting*
Held at the Palais Wilson, Geneva, on Monday, 9 July 2018, at 3 p.m.

Chair: Mr. Politi (Vice-Chair)

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Initial report of Liberia

* No summary record was issued for the 3499th meeting.

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Mr. Politi (Vice-Chair) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial report of Liberia (CCPR/C/LBR/1; CCPR/C/LBR/Q/1)

1. *At the invitation of the Chair, the delegation of Liberia took places at the Committee table.*

2. **Ms. Cassell** (Liberia), introducing her country's initial report (CCPR/C/LBR/1), said that 2018 marked a significant milestone for Liberia. Fourteen years after it had begun, the United Nations Mission in Liberia had come to a close. The end of the Mission had coincided with a constitutional transfer of power to the Government of President George Manneh Weah. The new Government, which had taken power little more than six months earlier, was the first Liberian Government to exercise full sovereign security and constitutional authority in nearly thirty years.

3. Despite facing a number of major challenges, the Government was making every effort to enact the reforms that would make it possible to achieve lasting peace, ensure a more vibrant justice system, consolidate the rule of law and protect the rights of all. Its commitment to its international obligations was unwavering. In that connection, the Government was of the view that it was necessary to give effect to recommendations that the Liberian Constitution should be amended to repeal provisions that restricted citizenship to Negroes or persons of Negro descent, limited dual citizenship and allowed only Liberian citizens to own land.

4. Unprecedented progress had been made towards the protection of freedom of speech and expression. In late May 2018, for example, the President had submitted to the country's lawmakers a bill that would repeal a number of sections of the Penal Law, thereby creating a freer and more dynamic media environment.

5. Other evidence of the Government's commitment to addressing abuses and promoting awareness of human rights included its record of holding no political prisoners and never sanctioning the execution of any opposition political figures. In fact, the Government was aware that having the death penalty on its books had become a liability. Efforts were made to protect the rights of women, children and other vulnerable persons. In February 2018, for example, a police officer in Bong County had been found guilty and sentenced to prison for having raped a child who had sought protection at a police station.

6. Administering the country's correctional facilities was a considerable challenge, not least because of the meagre resources available to the Bureau of Corrections and Rehabilitation, but prison rolls could be consulted by the public, and independent monitoring of prison conditions by local and international human rights organizations, diplomatic personnel and the media was permitted. The Independent National Commission on Human Rights, for example, enjoyed unhindered access to all the country's prison facilities. A civilian complaints review board had been established to ensure that the country's law enforcement institutions were accountable to the public and to improve democratic oversight. As a result of funding constraints, however, the secretariat that would be responsible for the board's day-to-day operations had not yet been put in place.

7. In its efforts to help Liberia fulfil its international obligations, the Ministry of Justice, and its Human Rights Protection Division in particular, received support from a number of development partners. The National Human Rights Action Plan, which contained a number of key objectives, had been launched in 2013. The Plan's Steering Committee, which met regularly, was co-chaired by the Minister of Justice and the Minister for Foreign Affairs. In addition, the Ministry of Justice, in a bid to combat rampant violence against women and children, particularly in the aftermath of war, administered a sexual and gender-based violence unit. It also had a specialized programme on child justice, and in 2016 the Ministry's Child Justice Section had taken a number of actions, including monitoring orphanages, prisons and police depots, to assist children in conflict with the law and divert them from the formal criminal justice system. The Section also provided support

to witnesses and victims or survivors of sexual and gender-based violence and had worked with partners to assist child victims allegedly trafficked from neighbouring Guinea.

8. The fundamental rights of the people of Liberia had been recognized in the Constitution of 1847 and in the Constitution of 1986. Liberia, the first African republic, remained committed to the protection and promotion of the human rights of its people. That commitment included the determination to rely on both sustained education and criminal penalties to combat deep-rooted practices such as female genital mutilation (FGM).

9. **Ms. Waterval**, welcoming the submission, albeit late, of the State party's replies to the list of issues in relation to its initial report, said that Liberia's constitutional framework prompted a number of questions and concerns. The Committee was concerned, for instance, that under customary law the minimum age for marriage was 16 years and polygamy was permitted. It would be interesting to know what measures would be taken to ensure that proposition 24, which called for Liberia to become a Christian nation, was compatible with the Covenant. Similarly, she wished to know what measures, if any, had been taken to repeal the provisions in the Revised Rules and Regulations Governing the Hinterland of Liberia that were incompatible with the Covenant. In addition, she asked whether the State party intended to ratify the Optional Protocol to the Covenant and said that she would welcome further information on the status of the proposed national body on treaty obligations, including any resources allocated.

10. She would also welcome more information on the Independent National Commission on Human Rights. In particular, she wondered whether the Chair of the Commission was one of its seven members, whether the Commission currently had only an acting Chair and, if so, when a permanent Chair would be appointed. The delegation should also indicate how the Commission maintained its autonomy despite being underfunded and what measures were taken to ensure that it operated in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and was in a position to fulfil its mandate. An indication of the number and type of complaints received by the Commission, and how those complaints were resolved, would likewise be welcome.

11. It would be interesting to learn more about the discrimination faced by persons with albinism. In a similar vein, she asked whether persons with HIV/AIDS and survivors of Ebola virus disease had access to medical, social and educational facilities on an equal footing with others. An update on the availability of mental health services would be welcome, as would an indication of the measures that had been taken to prevent discrimination against older persons. In addition, the delegation should describe the measures that were being taken to combat and prevent discrimination against foreign nationals, including efforts to repeal article 24 (b) of the Constitution, and explain how article 27 (b) was consistent with the Covenant.

12. In connection with sexual violence against women and girls, she asked whether the State party could provide information on its efforts to ensure effective enforcement of the Rape Law of 2005 and address impunity for sexual violence in all parts of the country, including any measures to: encourage victims of sexual violence to report such crimes; strengthen law enforcement and prosecutorial capacity to respond appropriately to complaints of sexual violence; and provide support to victims of sexual violence. The delegation should also provide information on the activities and impact of Criminal Court "E", established for the prosecution of cases of sexual and gender-based violence, the sufficiency of its mandate, budget and human resources, and any measures taken to strengthen and replicate that court. The number of complaints of rape and other acts of sexual violence received in the previous five years, investigations effectively carried out, prosecutions and convictions secured, the nature of the sentences imposed and the reparations granted to victims, including with respect to acts committed during the conflict, should also be indicated. In addition, it would be interesting to know what steps were being taken to overcome the many sociocultural and institutional obstacles to ensuring that reporting rape led to prosecution.

13. She welcomed the update on the status of the domestic violence bill submitted to lawmakers in January 2016. In view of information indicating that the police responded

inadequately to reports of domestic violence, however, she wished to know why it was taking so long for the bill to be made law, whether the Executive Order on Domestic Violence issued by the previous President was still in force and what other measures were in place to combat domestic violence, including marital rape, pending the adoption of the bill. She also wished to know how broadly domestic violence was defined in the bill, what training had been provided to prepare law enforcement, health-care and judicial personnel to respond effectively to domestic violence and whether there were any support services for the victims of such violence. In addition, she asked whether victims could benefit from comprehensive orders for both emergency and long-term protection.

14. She would welcome information on the annual level of teenage pregnancy, the rate of maternal mortality resulting from unsafe abortions and measures taken to address those phenomena. In the light of section 16 (3) of the Penal Law, she would also appreciate information regarding the number of official abortions and estimated clandestine abortions performed annually in Liberia. The delegation should elaborate on the requirement that two physicians must authorize a voluntary termination of pregnancy and indicate whether a denial could be effectively challenged. Lastly, she would welcome an indication of the efforts that had been made to raise awareness in connection with reproductive health, including to combat the stigmatization of the voluntary termination of pregnancy, and the steps that had been taken to ensure that men, women, boys and girls in all regions of the country had access to contraceptives and sexual and reproductive health education and services.

15. **Mr. Shany** said that he would welcome an update on the progress made by the Government in implementing the recommendations of the Truth and Reconciliation Commission. Specifically, he wondered whether there had been any progress on ensuring accountability for the most serious human rights violations and establishing, as recommended, an extraordinary criminal tribunal for Liberia. He wished to know whether the Government would be establishing a new body to draw up a road map for justice.

16. Further details of the extent to which the Palava Hut process was considered part of the implementation of the Truth and Reconciliation Commission's recommendations would be welcome. It was unclear whether the Independent National Commission on Human Rights had the power and capacity to supervise the implementation of those recommendations. He would also welcome information on the progress made with regard to the construction of memorial sites at mass grave locations. He would be interested to learn whether the new Government planned to revisit the issue of reparations.

17. The Committee regretted the failure of the State party to provide timely notification to the Secretary-General of the derogations applied during the state of emergency declared in 2014. In the light of the previous President's expression of regret about several of the measures taken, he would like to hear the new Government's views on whether the derogations applied had been necessary, proportionate and lawful.

18. He would appreciate information from the delegation on why the five soldiers who had shot at protestors in the 20 April 2014 protest had received disciplinary sanctions instead of criminal sentences. He wondered whether reparations had been paid to the victims. As the Independent National Commission on Human Rights had suggested that the life of the protestor, Shaki Kamara, could have been saved if he had received treatment in a timely manner, the State party should clarify whether that aspect of the incident had been investigated.

19. With respect to paragraph 5 of the list of issues, he wished to know why the definition of terrorism provided under section 14.54 of the Penal Law of Liberia was so broad, and why, unlike the definitions in most States, it did not include a reference to the political context of the acts. It was of concern that hijacking was a capital offence regardless of whether death occurred, as the Committee's position was that the death penalty should never be mandatory. Likewise, it was problematic that attempts to cause bodily injury could legally be classed as terrorism. He asked whether there had been any prosecutions for terrorism since 2008, and whether the somewhat strange case of Henry Costa had been handled as a terrorist incident.

20. As the State party had frankly acknowledged in its initial report that Liberian women remained marginalized, he wondered why it had not passed the Affirmative Action Bill, which aimed to increase female representation in the National Legislature. He wondered whether the Government was taking any measures to increase the representation of women at local government level and in the lower courts, where only 12.5 per cent of women were judges. He would welcome information on why the target of 30 per cent gender representation in candidate lists had not been met by almost any party in the last election. Lastly, he was concerned about the status of women in customary settings and would appreciate information on what was being done to facilitate greater access to justice for rural women, who faced barriers relating to costs, literacy, travel and customary norms.

21. **Mr. Ben Achour** said that the State had a role to play in informing the public that sexual orientation and gender identity had nothing to do with social deviance or hostility to societal norms. Indeed, every State had a duty to institute educational programmes and support the work of civil society organizations in that regard. According to reports received from non-governmental organizations (NGOs), transgender persons in the State party were commonly subjected to violent attacks. Likewise, homophobia in the name of religion and custom was widespread. Legal obstacles to the dissemination of a culture of tolerance persisted; the Transgender Network of Liberia had not been allowed to register as an organization. It was puzzling that the Penal Law criminalized consensual adult homosexual relations, in violation of the Covenant. He asked whether the Government planned to repeal that provision. He would like to know what measures the State party was taking to eliminate threats and violence against homosexual individuals, including by raising awareness among law enforcement officers, and how it planned to tackle the issue of religious fundamentalism. He would welcome information on how the Government planned to ensure that attacks on lesbian, gay, bisexual and transgender persons were investigated and the perpetrators brought to justice.

22. The fact that only a father could transmit his nationality to his children when they were born abroad was an example of gender inequality. He asked whether the Government was planning to put an end to that discriminatory practice by granting mothers the same rights as fathers. Customary law, which was recognized by the Liberian legal system, enshrined all sorts of inequalities that seemed to violate article 11 of the Constitution. He wished to know how the Government intended to ensure greater gender equality, and what it was doing to eliminate exploitation of and violence against women, issues that had been highlighted in the Report of the Independent Expert on Technical Cooperation and Advisory Services in Liberia.

23. Despite the amendment to the rape law passed in 2006, rape remained one of the most common crimes in Liberia. One of the problems was that cases could be settled out of court, a process that violated women's rights. He asked whether the Government was planning to put an end to that practice. Lastly, he would welcome information on how the Equal Rights of Customary Marriage Law of 1998 ensured that women enjoyed equal rights, given that customary law allowed for men to have up to four wives.

24. **Mr. Heyns** said that the Committee was concerned that ritualistic killing had a disproportionate impact on women. He would welcome further information on the activities of secret societies, particularly those known as Sande and Poro. He wished to know to what extent secret societies were involved in witchcraft-related killings.

25. He asked the delegation to confirm the number of women that had undergone FGM in Liberia. According to statistics received by the Committee, 58 per cent of women had been subject to the practice. He was aware that the Government had attempted to address the issue from the perspective of criminal law and would welcome an update on the Government's efforts to criminalize the practice.

The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.

26. **Ms. Cassell** (Liberia) said that the Independent National Commission on Human Rights was responsible for monitoring the implementation of the Truth and Reconciliation Committee's recommendations by various institutions and Government agencies. Through its reconciliation programmes, the Commission had organized the Palava Hut discussions and constructed the first memorial on the Duport road massacre site in honour of victims of

the civil war. Using funding from the Government, it was currently constructing another memorial at the Maher River massacre site in Bomi County. The Commission had prepared two major reports on the implementation of the Truth and Reconciliation Committee's recommendations. It had also conducted four ethnographic forums in the counties of Bomi, Grand Gedeh, Bong, and Montserrado, in order to develop the Palava Hut guidelines.

27. The delegation recognized that the recommendations of the Truth and Reconciliation Committee had received a good deal of attention from the international community. The new Government had been focusing on peacebuilding and national reconciliation, and citizens had been demonstrating and signing petitions calling for legal action on the issues raised. The new President had been taking time to assess the facts in order to better address the needs of the people. Although the Government had been accused of being silent, it was, in fact, preparing to take action at the legislative and executive levels, and establishing a working relationship with international organizations. An open statement on the matter would be issued in due course.

28. **Mr. Mulbah** (Liberia) said that the Government had begun work, through the Law Reform Commission, on harmonizing its legislation on customary and statutory marriage with a view to establishing a standard minimum legal age for marriage and to ensuring that women married under customary law enjoyed the same rights as women engaged in statutory marriage.

29. Proposition 24 had not been endorsed by the President of Liberia or the National Legislature and would not find its way into law. Of the 25 propositions that had been put forward in the final report of the Constitutional Review Committee, only 7 had been put to popular referendums. Proposition 24 had not been one of them.

30. Liberia had not ratified the Optional Protocol to the Covenant, but the Ministry of Justice and the Independent National Commission on Human Rights heard and investigated complaints from persons who believed they had suffered violations of their human rights. If there was reason to believe that a complaint had merit, it was brought before the courts. The chairperson of the Independent National Commission on Human Rights would soon be appointed by the President of Liberia from a list of vetted candidates. The process had been delayed by the change in Government. Despite a lack of internal resources, which had led to the systemic underfunding of national institutions, the Government had made helping the Commission secure resources a priority.

31. Reports of the marginalization of albinos by the police had been investigated. Law enforcement officers found to have been involved had been made to undergo training in how to handle complaints made by albinos and other minority groups. Moreover, the Government had conducted a number of public awareness campaigns on the importance of respecting the equality of all citizens, including in hospitals, and much work had been done to end the stigmatization of those who worked in Ebola treatment facilities.

32. The fact that the legal definition of terrorism did not take social, political or religious motivations into consideration was inconsequential. The law was in place to act as a deterrent, which was why committing terrorist acts that resulted in death was a capital offence. However, although the death sentence had been handed down on a number of occasions, no executions had taken place for many years. No charges of terrorist offences had been brought to trial since the introduction of counter-terrorism legislation. The prosecution had decided to drop the charges of terrorist offences brought against Henry Costa by the police.

33. The President had made a commitment to extending the application period of Executive Order No. 92, under which all forms of domestic violence against women and children, including FGM, were prohibited, until appropriate domestic violence legislation had been formulated. Some accusations of sexual violence were settled between victims and perpetrators out of court, but never to the knowledge of the Prosecution Department, which conducted criminal investigations into such settlements whenever they were reported. The Government had conducted several public awareness campaigns to encourage the victims of sexual violence to report their aggressors to the police so that they could be prosecuted. Although it might seem to be the case that Criminal Court "E" was doing little to prosecute the perpetrators of sexual violence, due account should be taken of the fact that

outdated technology, such as typewriters, was still used to record testimonies in the Liberian courts owing to a lack of resources, which had led to lengthy proceedings. The Ministry of Justice had taken steps to encourage the use of new technologies in the courts to expedite proceedings, including teaching older court clerks how to use computers and recruiting younger court clerks with information technology skills.

34. It was difficult to obtain figures relating to the prevalence of abortion in Liberia, because the voluntary termination of pregnancy, when not authorized by a medical practitioner, was a criminal offence and therefore went unreported unless it was brought to the attention of the authorities by a third party. Nevertheless, available figures showed that the level of unauthorized abortion was very high. The Government had therefore enhanced its efforts to educate the public regarding family planning and the use of contraception, with a view to reducing the prevalence of risky abortions. However, it lacked the necessary resources to fund its educational programmes. Assistance from international partners, which he hoped would continue, had been useful in securing the necessary funding for such programmes.

35. **Mr. Togbah** (Liberia) said that the Affirmative Action Bill was still the subject of debate in the National Legislature and would soon be submitted for public consultation. The autonomy of the Independent National Commission on Human Rights was enshrined in the legislative act by which the Commission had been created. It did not report directly to the Government but rather published independent reports and recommendations. On the recommendation of the Commission, the Government had offered reparations to the family of Shaki Kamara and taken action against the members of the police and armed forces involved in that case.

36. **Ms. Dorliae** (Liberia) said that some cultural and religious beliefs had been codified in law, which had resulted in the criminalization of consensual sexual activity between adults of the same sex. Those beliefs were deeply rooted in Liberian society and it would take time and effort to change them. In the light of allegations of discrimination against lesbian, gay, bisexual, transgender and intersex persons by the police, the Ministry of Justice, in collaboration with the Independent National Commission on Human Rights, had begun to train police officers to be more tolerant. Mandatory training to that effect would soon be included in the curricula of police training academies. No one had been prosecuted on the charge of engaging in consensual same-sex sexual activity. Nevertheless, the Government recognized its obligation to protect all persons in Liberia and agreed that more needed to be done to educate the public on the rights of lesbian, gay, bisexual, transgender and intersex persons.

37. With regard to the registration of NGOs in the Liberia Business Registry, the applicable legislation outlawed discrimination against any entity that met the legal requirements for registration, and complaints filed with the Ministry of Justice were investigated.

38. Article 28 of the Constitution stipulated that any person, at least one of whose parents was a Liberian at the time of his or her birth, was recognized as a Liberian citizen. However, that right was limited by the Alien and Nationality Law. As the Constitution was the basic law of the land, the Law Reform Commission had been mandated to identify discrepancies and submit recommendations for harmonization. The Liberia Immigration Service had drafted an amendment to the Alien and Nationality Law, pursuant to which the Liberian citizenship of children would be recognized if either of their parents was Liberian. The draft would be submitted to the National Legislature in due course.

39. **Ms. Jackollie** (Liberia) said that the Sande and Poro societies formed part of traditional Liberian culture, and people still relied on such societies for the promotion of stability in the country. Witchcraft and ritualistic killings were a separate phenomenon. Some people believed that they acquired supernatural power by extracting a person's body parts. Such practices were illegal and the perpetrators were prosecuted.

40. FGM was a serious challenge since it was deeply rooted in customary practices. Some legislators had opposed its inclusion in the Domestic Violence Act because it did not take place in the home. Former President Ellen Johnson Sirleaf had issued Executive Order 92 prohibiting FGM for females under 18 years of age and requiring the consent of those

over 18 years. The current President had undertaken to issue an additional executive order if necessary. The Human Rights Action Plan Steering Committee had drafted legislation that would outlaw domestic violence against all women, irrespective of age. It was currently being validated by stakeholders and would be submitted to the National Legislature as soon as possible.

41. **Mr. Mulbah** (Liberia) said that when questions had been raised by the Independent Expert on the enjoyment of human rights by persons with albinism, the authorities had requested information from various civil society groups and the Liberia Albino Society. Persons with albinism were not subjected to discrimination by the country's legislation or State-sponsored practices. He drew attention in that connection to the Government's supportive measures described in the State party's replies to the list of issues.

42. **Ms. Waterval** said that the Independent National Commission on Human Rights had reported that one Commissioner had been appointed by the former President in contravention of the 2005 Act establishing the Commission and the Paris Principles.

43. She reiterated her request for information on the situation of older persons, measures to combat discrimination against foreign nationals, and measures to support persons with mental disabilities, given that there was just one registered psychiatrist in the State party.

44. **Mr. Shany** said that the President's statement on the Truth and Reconciliation Commission should address the issues of accountability, reparations and the removal from office of persons involved in the atrocities. While the reparations offered to the family of Shaki Kamara were welcome, the delegation should provide information regarding the failure to provide him with timely medical treatment.

45. Given the need for specific and detailed definitions of criminal offences, the definition of terrorism should be revised, especially since it combined ordinary crimes with the crime of terrorism.

46. The financial prerequisites for registering as a candidate in the State party's elections were a cause of concern. Candidates for both the House of Representatives and the Senate were allegedly required to provide the National Election Commission with proof of adequate personal funds. He asked whether that was the case and, if so, whether it adversely affected women candidates. He also wished to know whether the special constituency seat for women had been filled in the last elections.

47. **Ms. Cleveland** said that maternal mortality resulting from unsafe abortions accounted for almost one third of all cases of maternal mortality. The delegation should provide additional information on efforts to improve access to contraception, to raise awareness of reproductive health and to combat the stigmatization of voluntary termination of pregnancy. She asked whether the State party had considered increasing access to legal abortion through its decriminalization. She would appreciate further information on the requirement of authorization of voluntary termination of pregnancy by two physicians and on the frequency of access to a lawful abortion.

48. **Mr. Mulbah** (Liberia) said that older people were traditionally given preferential treatment in a wide range of circumstances. For instance, if there was a queue in a hospital, they were usually brought to the front. Action was being taken to improve services on behalf of persons with mental disabilities and to provide the requisite training courses, since the F.J. Grant Memorial Hospital was currently the only facility with qualified specialists. Foreign nationals enjoyed the right to equal treatment. For instance, the fees for medical care were the same as those charged to Liberian citizens.

49. The Law Reform Commission would be informed of the Committee's concerns regarding the definition of terrorism.

50. **Mr. Togbah** (Liberia) said that his country would shortly submit a report to the Committee on the Rights of Persons with Disabilities. Special facilities, such as tactile ballots, had been provided for persons with disabilities during the elections, and polling officers had been alerted to their needs. The Ministry of Gender, Children and Social Protection cooperated with the National Commission on Disabilities in promoting the welfare of older persons and persons with disabilities. The Ministry of Education was

drafting an inclusive education policy for children with special needs so that they could be integrated into the regular school system.

51. **Ms. Cassell** (Liberia) said that traditional cultural factors had limited women's participation in the political system. However, she wished to draw attention to paragraph 8 of the State party's replies to the list of issues, which described recent advances under the Election Law. The same paragraph referred to women's role in the Supreme Court and to the prominent positions they had held in the executive branch.

52. **Mr. Mulbah** (Liberia) said that the Penal Law specified the cases in which a voluntary termination of pregnancy was allowed. However, many people were unaware of that right and therefore opted for an illegal abortion. More effective awareness-raising campaigns were therefore required.

53. With regard to the complaint that Shaki Kamara had died because of the lack of prompt medical attention, the incident had occurred during the Ebola crisis, when it had been difficult to secure transport to a hospital. The Government had expressed serious concern on receiving the report concerning the investigation and President Johnson Sirleaf had granted reparations to the family before leaving office. The report had recommended disciplinary rather than criminal prosecution of those responsible for his death. The military must clearly be alerted to their obligations under the Uniform Code of Military Justice.

54. **Mr. Heyns** said that, despite the fact that the State party had ratified the Second Optional Protocol to the Covenant in 2005, it had nonetheless reintroduced the death penalty in 2008. The Minister of Justice had claimed that the ratification was invalid because mandatory internal procedures had not been followed. He therefore welcomed the State party's recognition of the binding nature of that Optional Protocol in section 14 of the State party's replies to the list of issues. However, he underscored the need, in line with article 1 (2) of that Optional Protocol, to take all necessary measures to abolish the death penalty in the State party's jurisdiction.

55. The Independent National Commission on Human Rights had reported that violent police action during arrest was the most common complaint filed against the police. According to section 5.6 of the Penal Law, police officers must believe that the immediate use of force was necessary in order to effect an arrest. However, that was a subjective rather than an objective condition. The Liberia National Police Act of 2016 reportedly provided for regulations to rectify that situation. He asked how soon the regulations would be adopted. According to the Liberia National Police Revised Duty Manual, the discharge or possession of firearms in a manner that was not consistent with the policy on use of force was a serious violation. He would appreciate receiving information on the use of force policy and asked whether a new standard governing the use of force had been adopted.

The meeting rose at 5.55 p.m.

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International Covenant on Civil and Political Rights

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123rd session

Summary record of the 3501st meeting
Held at the Palais Wilson, Geneva, on Tuesday, 10 July 2018, at 10 a.m.

Chair: Mr. Politi (Vice-Chair)

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In the absence of Mr. Shany, Mr. Politi (Vice-Chair) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial periodic report of Liberia (*continued*) (CCPR/C/LBR/1; CCPR/C/LBR/Q/1)

1. *At the invitation of the Chair, the delegation of Liberia took places at the Committee table.*

2. **Mr. Ben Achour** said that it was positive that the Government had launched the zero tolerance Five-Year Action Plan to combat trafficking in persons, and that the State party had a solid legal framework in place, including the Anti-Human Trafficking Act. However, non-governmental organizations (NGOs) had reported that forced and child labour were used in street vending, begging, rubber plantations, gold and diamond mines and rock quarries. Some victims, both Liberians and foreign nationals, were also subject to sexual slavery. He wished to know what actions the Government was taking to address the trafficking of women and children, and forced labour, including the worst forms of child labour. He wondered whether investigations should be carried out, cases brought to trial and appropriate sentences handed down to perpetrators, and what steps the Government intended to take to assist the rehabilitation of victims.

3. The level of overcrowding in prisons was of great concern. The United Nations Mission in Liberia (UNMIL), for example, had reported in February 2018 that the total prison population was approximately 2,364, despite a total prison capacity of 1,355. The situation negatively affected food, hygiene and medical conditions and was incompatible with the Nelson Mandela Rules. In addition, the sentences handed down to many prisoners were shorter than the periods they had already spent in pretrial detention. He wished to know whether the Government intended to undertake legislative reforms, including revising the Penal Law and the Criminal Procedural Law, or propose measures such as alternative sentencing. The State party could also consider establishing an ombudsman to monitor the situation in each prison, or instigating budgetary reforms to provide for the improvement of existing prisons and the construction of new ones. He would also appreciate information on steps to combat corruption in the legal system, particularly bribery, which could lead to imprisonment on dubious grounds.

4. The State party had previously received recommendations on the elimination of corporal punishment from the Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child, and during the second cycle of its universal periodic review. He would appreciate information on progress made towards prohibiting the use of corporal punishment against children in all settings. He also wished to know the rate of birth registration.

5. **Mr. Heyns** said that up to 55 per cent of prisoners in the State party were subjected to pretrial detention, which had negative consequences on their health and reputation. Such detention occurred irrespective of whether the detainee's guilt was later established, and many detainees were held for minor offences owing to the absence of a bail system. The prevalence of pretrial detention appeared to be caused by, inter alia, a lack of suitable infrastructure, a shortage of lawyers, poor coordination between the police and the judiciary, and corruption. He would appreciate information on how the problem and its causes were viewed in the State party. Moreover, he requested clarification as to how the joint task force established by the Public Defense Office and the Solicitor-General's Office would enable trials to be held more quickly and asked whether there were initiatives to consider revising the bail system or establishing alternative sentences. The delegation should provide further information on the Magistrates Sitting Program and the extent to which it enabled cases to be addressed more quickly at the local level. In view of the fact that some defendants were negatively affected by the absence of interpretation during court proceedings or by insufficient legal aid provisions, and that the Public Defense Office also suffered from severe staffing constraints, exacerbated by the high registration fees for people wishing to practice as lawyers, he would appreciate information on how the State party intended to overcome those impediments to a speedy trial.

6. Although freedom of expression was formally recognized in the State party's Constitution and legislation, there had been a number of documented incidents of direct harassment of media outlets for criticism of the Government. He wished to know the extent to which such incidents continued to occur and whether anti-Government hate speech was still a punishable offence. While it was positive that the Government had adopted the Declaration of Table Mountain, accusations of libel and defamation had also been used to stifle dissent, with journalists having been arrested and even sued for allegedly insulting politicians. He would appreciate information on the status of the bill introduced to abolish the offence of libel against the President and asked whether it would address criticism of the Government more broadly. Moreover, he would appreciate further information on reports that some media outlets had been denied registration and on the process of establishing an independent regulator to assess action taken against the media.

7. **Mr. Shany** said that the Committee was concerned that the existing legal framework provided broad grounds for removing judges from their positions, which could have a negative impact on the independence of the judiciary. He would appreciate further information on the issue, particularly the circumstances in which it was applied. Moreover, he wished to know how the term "good behaviour" was understood in relation to the judiciary and why such language was used.

8. Regarding the judicial system, a 2015 report by the African Commission on Human and Peoples' Rights had noted numerous challenges relating to funding, infrastructure and case load management, as well as corruption. He asked whether the State party considered corruption to be a particular problem in the judicial system and, if so, what was it doing to address the issue.

9. Moreover, in view of reports of a backlog in court cases, he wished to know whether the executive played any role in determining the order in which cases were reviewed and what measures the State party was taking to strengthen access to justice. In addition, he would appreciate information on the criteria governing the promotion, demotion and court assignment of judges, and the extent to which the executive was involved in such movements.

10. The Committee remained concerned about the implications of article 97 of the Constitution and the potential impunity it provided. He would appreciate additional information on the Government's plan to reform the article, including whether it should be retained and how it could be amended.

11. Regarding the status of refugees, he wished to know whether the amendments to the Refugee Act supported by the previous President were still under development, whether the Government supported them and whether they would be adopted into law. Particularly in view of allegations that some of the 14 people deported from Liberia to Côte d'Ivoire in 2014 had suffered abuse on their return, he would be grateful for information on how courts addressing extradition or deportation requests took non-refoulement into consideration, as well as the extent to which the State party forcibly removed foreign nationals and how often it did so. The delegation should comment on the veracity of reports that refugees, asylum seekers and other migrants had been prevented from engaging in certain economic activities.

12. He would like to know when the land rights bill and the land authority bill were likely to be passed and what changes relating to customary land tenure were provided for in the land rights bill. He wondered what was being done to address the concern that some development projects had not benefited local communities as anticipated and whether the Government imposed corporate social responsibility standards on companies involved in such projects.

13. Noting that concerns had been raised about the issuance of long-term leases for development projects on customary land without adequate consultation of the local community, he asked whether the Government was aware of those concerns and whether local communities that had lost access to customary land would receive any form of compensation. Lastly, he enquired whether measures had been taken to protect the interests of women in connection with development projects on customary lands, given that women were particularly adversely affected by such projects for a number of reasons.

14. **Ms. Waterval** said that she would be grateful if the State party could elaborate on its replies to the questions raised in paragraph 24 of the list of issues. In particular, the delegation should explain how blind persons, wheelchair users and other persons with disabilities were able to participate in elections, and respond to the allegations that freedom of assembly had been restricted during the 2011 and 2017 elections.

15. She would welcome more information on the legal framework for combating corruption and any plans to improve its effectiveness. The Committee had noted that, although penalties had been established for corruption-related acts such as mismanagement of funds and bribery, no penalties had been established for corruption involving public officials.

The meeting was suspended at 10.45 a.m. and resumed at 11.05 a.m.

16. **Mr. Mulbah** (Liberia) said that, since his country's ratification of the second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, no persons sentenced to death had been executed. Steps were being taken to harmonize national legislation with the provisions of the Constitution and the Covenant. The Use of Force Regulation had come into effect before the 2017 elections and was currently being implemented. It stipulated that the use of force and the use of arms by law enforcement officers should be reasonable and proportionate. Investigations were carried out in cases where officers were alleged to have caused injury or death through excessive use of force; one such case would be brought to trial in August.

17. The Government had continued to carry out awareness-raising in order to combat trafficking in persons. Staff of the Liberia Immigration Service were skilled in identifying victims of human trafficking. A number of cases of human trafficking had been investigated and prosecuted. Victims were provided with medical assistance and shelter until their cases had been resolved. There had been no allegations of the involvement of government officials in human trafficking.

18. Judges and prosecutors received training in Liberia and abroad on combating corruption; a training workshop of that kind had taken place just two weeks previously. There were several institutions in place to investigate allegations of corruption, including the Liberia Anti-Corruption Commission. Government officials suspected of corruption were charged and brought to trial. The head of a local government institution had recently been convicted of corruption; the verdict was being appealed before the Supreme Court. In another case of suspected corruption, the trial had been halted due to jury tampering; the case would be retried at a later date. The case of Varney Sherman and Alex Tyler had been brought to trial but the proceedings had been halted because a challenge had been submitted to the Supreme Court; once the Supreme Court had reached a decision, the trial would resume. As those examples illustrated, legal action was being taken to combat corruption; however, the Government had little control over the duration of legal proceedings.

19. The Government was aware of the need to combat child labour. It had removed child street vendors from the streets and had sought to discourage parents from sending their children out to earn money. Awareness-raising in that regard was also carried out by NGOs. Complaints of child labour and sexual slavery involving foreign nationals were investigated. A recent case of sexual slavery involving women from Morocco and Tunisia had been brought to trial and had resulted in conviction. The Government lacked the resources to provide rehabilitation services for victims in such cases, but it hoped to make progress in that area, with support from its partners.

20. With regard to prison overcrowding, he wished to clarify that the figure cited by the Committee corresponded to the total prison population rather than the population of Monrovia Central Prison. The population of that prison was around 1,000 inmates, compared with a capacity of 375. In order to reduce overcrowding, the Government had introduced a fast-track review mechanism (the Magistrates Sitting Program) for cases involving minor offences. Non-custodial alternatives to imprisonment, including bail or release on parole, were also used to reduce the prison population. However, accused persons remained in custody while awaiting trial. Consideration would be given to the suggestion of introducing prison ombudsmen.

21. Police officers were often ill informed about the procedure that applied in relation to civil matters. As a result, citizens were sometimes arrested on criminal charges for minor offences, including debt. In order to remedy the situation, magistrates and prosecutors had been instructed to oversee police conduct and ensure that no criminal charges were laid against persons accused of minor infractions. There had been fewer complaints of wrongful detention since. The joint task force set up by the Public Defense Office and the Solicitor-General's Office reviewed case files along with judges and made recommendations for prosecution or release of persons held in pretrial detention. In that context, some 75 prisoners who had been detained beyond the term of their sentence had been released to date. The Liberian National Bar Association was looking into complaints from lawyers who had passed the bar examination but were unable to set up a practice because of prohibitively high fees. Review of the fee policy would be an important step to address the current shortage of lawyers.

22. The judiciary had financial autonomy, which enhanced its independence. The term "good behaviour" was related to the grounds for removal from office of judges as set forth in article 71 of the Constitution. The Constitution laid down a rigorous procedure for the removal of judges, involving a fair trial and due process, and the executive branch played no part in that procedure.

23. **Mr. Togbah** (Liberia), drawing attention to the measures taken to achieve universal birth registration as described in the State party's written replies to the list of issues, said that registration services had been extended to rural areas. In Bong county, for example, in the context of the Liberia Decentralization and Support Programme more than 2,200 persons of all ages, from newborns to adults, had obtained a birth certificate between April 2017 and April 2018. The principal issue with regard to birth registration during the Ebola virus disease outbreak had been the inability of hospitals to focus on safe delivery and registration out of fear of contracting the virus.

24. The Government's efforts to eliminate corporal punishment provisions from legislation had met with considerable resistance at the community level. During the discussions held with stakeholders to promote the abolition of corporal punishment in both the criminal justice system and traditional justice, communities had expressed concern that the authorities were seeking to interfere with their form of exercising discipline. Although some progress had been made, more time was needed to raise public awareness in that regard.

25. **Ms. Jackollie** (Liberia) said that recent collective bargaining agreements, especially in the rubber sector, had provisions prohibiting parents from using their children to help them in their work. In case of violations, punitive action was taken as a deterrent. The National Commission on Child Labour provided training for workers and employers. Labour inspectors had also been tasked to raise awareness of workers and employers at the workplace.

26. The drafting of the National Referral Pathway for the protection of victims of human trafficking had been completed. The document, which had been validated by stakeholders and was due for endorsement by cabinet, would provide useful guidance on victim identification and assistance.

27. **Ms. Dorliae** (Liberia) said that while the Land Authority Act had been adopted in October 2016 and the Liberia Land Authority was fully functional, the land rights bill remained pending, with several issues outstanding. Land tenure and land administration were crucial issues in Liberia, hence the need for relevant legislation. Although the Constitution provided that all minerals and natural resources belonged to the Republic, many of those resources were privately owned. In the past, communities had not been consulted on land use, and the new land rights act was intended to remedy those shortcomings. The bill recognized customary land ownership and provided for the involvement of communities in concession negotiations. Similar to the Community Rights Law, which created a legal framework that defined and supported community rights in the management and use of forest resources, the land rights bill sought to ensure that communities benefitted directly from concession agreements. It also granted communities the right to determine the amount of compensation awarded and to decide how that money

was used. As a result of the active involvement of the Women's Land Rights Task Force in the drafting process, the bill afforded greater protection of women in regard to land rights issues.

28. **Mr. Mulbah** (Liberia), giving a brief overview of the historical background of article 97 of the Constitution, said that the two referendums held to amend the article had been unsuccessful. The popular votes at the time had been influenced by the overall political situation and fear of a return of the military regime. The provision clearly encouraged impunity and was being reviewed by the Law Reform Commission to seek its removal. Mentalities had changed, the courage to bring the perpetrators of past human rights violations to justice had increased, and fears of another military coup had gradually subsided. Thus he was optimistic that a new referendum to remove article 97 would be successful.

29. With regard to the court ruling of 3 July 2018 approving the extradition of 14 refugees from Côte d'Ivoire, he said that the individuals in question had been involved in a cross-border attack against villages in Côte d'Ivoire. They had been arrested at the border by the security forces, investigated and charged. Subsequently, the Government of Côte d'Ivoire had sent an extradition request, as they had already been charged with crimes committed in their country of origin. In line with Liberia's international obligations, the court had thoroughly reviewed the extradition request to ascertain whether the defendants might be subject to political persecution or even the death penalty on return, as had been alleged by the defence lawyer. The court had found that those allegations were unfounded and approved deportation.

30. The Government was not aware of any reports of migrants being denied the opportunity to carry on economic activities but would gladly respond to specific allegations. The law provided that certain activities, such as the retail sale of water, could be engaged in only by Liberians, to protect local livelihoods. However, the authorities did not tend to enforce such rules at the lower level. Action would be taken to prevent any undue restriction of migrants' rights in that regard.

31. The Government was conducting a study with a view to enfranchising citizens who attained the age of 18 years before elections took place but after voter registration had ended. It was also taking steps to enable pretrial detainees to vote. Blind persons, wheelchair users and other persons with disabilities were provided with the assistance they needed to participate in elections.

32. **Mr. Shany** said that he would appreciate further clarification of the reported prevention of migrants from engaging in mining activities. Further, he wished to know what other economic activities were reserved exclusively for Liberians and on what basis such restrictions were imposed.

33. He welcomed the information on the independence of the judiciary but wished to have more information on the failed impeachment of three justices of the Supreme Court in August 2017. Specifically, he wondered how the ability of politicians to initiate such proceedings reflected on the independence of the judiciary.

34. **Mr. Santos Pais** said he would like to know what kind of relationship the public prosecution service had with the executive and the police and, in particular, whether it had oversight of police conduct.

35. **Ms. Dorliae** (Liberia) said that the Constitution provided for the impeachment of judges in cases of proven misconduct and under very specific circumstances. The impeachment process was deliberately arduous to protect the judiciary. Impeachment bills had to be tabled before the House of Representatives and then the Senate. The impeachment case of August 2017 had ultimately been unsuccessful because the approval of the Senate had not been forthcoming.

36. **Mr. Mulbah** (Liberia) said that the impeachment proceedings had been discontinued since, as a matter of law, judges could not be removed on the basis of rulings that they had handed down. Indeed, to impeach judges for discharging their duties would be to curb their independence.

37. Public prosecutors or county attorneys provided the police with legal advice and supervised their investigations. While the police had sole responsibility for conducting investigations, any charges that they subsequently brought could be revised by the county attorney.

38. Foreign nationals had been known to engage in mining activities in Liberia without obtaining the appropriate license. The Ministry of Lands, Mines and Energy shut down such ventures irrespective of their country of origin.

39. **Ms. Cassell** (Liberia) said that her Government would continue to address the barriers to honouring its international treaty obligations. Given the numerous constraints facing her relatively new Government, particularly in the area of resource mobilization, she would be most grateful for the Committee's continued support in that regard. Lastly, she expressed her sincere appreciation to the representatives of civil society organizations for their input.

40. **The Chair** said that he appreciated the State party's commitment to implementing the provisions of the Covenant. He was hopeful that the new Government would take steps to address the many issues raised, including past human rights violations, the blanket amnesty for public officials under article 97 of the Constitution, the practice of female genital mutilation, prison overcrowding and criminalization of voluntary termination of pregnancy. In that vein, he looked forward to future interaction with the State party.

The meeting rose at 12.35 p.m.

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Summary record of the 3502nd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 10 July 2018, at 3 p.m.

Chair: Mr. Shany

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Lithuania (CCPR/C/LTU/4; CCPR/C/LTU/QPR/4)

1. *At the invitation of the Chair, the delegation of Lithuania took places at the Committee table.*

2. **Mr. Germanas** (Lithuania) said that he wished to take the opportunity to reiterate his country's commitment to upholding its national and human rights obligations. The fourth periodic report had been presented to civil society with a view to discussing the most problematic areas in the implementation of the Covenant. During the reporting period, Lithuania had ratified the International Convention for the Protection of All Persons from Enforced Disappearance and accepted its individual complaints procedure; acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; ratified the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; and signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

3. The Ombudsman's Office attached to the Lithuanian parliament (Seimas) had been accredited as a national human rights institution in accordance with the Paris Principles. It had already assumed a wide range of new responsibilities, including broader monitoring functions, the presentation of reports to international organizations and the implementation of inquiry procedures. It was also actively consulting with civil society on how to improve its work.

4. As part of its implementation of the Framework Convention for the Protection of National Minorities, on 1 July 2015 Lithuania had established the Department of National Minorities. The Department was mandated to streamline the application of national policies and deepen the Government's engagement with the Roma community. It was closely involved in the discussions on draft legislation concerning national minorities.

5. Lithuania had made additional efforts to uphold the principles of non-discrimination and equal opportunity. Revised provisions of the Labour Code, Law on Employment and Law on Education prohibited all types of harassment and provided for the promotion of equal opportunities. The 2017–2019 Action Plan for Promoting Non-discrimination included measures aimed at improving legal regulations on non-discrimination and promoting tolerance. Responsibility for providing legal representation for victims of criminal offences related to sexual harassment had been assumed by the State.

6. Legislative amendments had recently been adopted to modernize and centralize the child protection system. An inter-agency cooperation agreement had been signed with a view to mounting a rapid, professional response to any potential threats posed to children. A support centre for child victims of sexual abuse had been opened.

7. In order to fully implement the Council of Europe Convention on Action against Trafficking in Human Beings, stricter standards had been adopted that had led to a steady increase in pretrial investigations and convictions. Additional measures had been taken to provide better support for victims, ensure compliance with international obligations, allocate resources to non-governmental organizations (NGOs) and provide the necessary training to law enforcement officers.

8. Lithuania had changed the way it addressed the issue of domestic violence. Having signed the Istanbul Convention and launched the process for its ratification, it had been working to bring its laws into line with the provisions of that instrument. A number of ministries and institutions had allocated additional resources and assumed broader responsibilities in the effort to combat violence against women, all of which had enhanced the effectiveness of police investigations and the work of the specialized offices that prosecuted such crimes. Increased support was being provided to victims by specialized assistance centres.

9. The European Union General Data Protection Regulation had entered into force in 2018. In order to transpose the directive into the Lithuanian legal framework, a number of national laws had been amended. The unlawful management of personal data was punishable by fines.

10. Lithuania had made many improvements to its policies on detention and had recently adopted a more effective probation system and allocated additional resources to probation officers. Greater attention had been devoted to non-custodial measures, and both prolonged administrative detention and administrative arrest had been abolished.

11. Although significant progress had been made since the presentation of the country's third periodic report to the Committee, much remained to be done, particularly in the areas of domestic violence, protection of the rights and freedoms of the Roma community and of lesbian, gay, bisexual, transgender and intersex persons, and assistance to victims of human trafficking. His delegation was convinced that an interactive exchange with the Committee would facilitate the further development of the human rights protection system in Lithuania.

12. **Ms. Cleveland** said that she welcomed the information provided by the delegation, which showed that solid progress had been made since the previous reporting period. However, with respect to paragraph 1 of the list of issues, the Committee was concerned at the State party's failure to provide concrete information on specific measures taken to ensure that national legislation was not interpreted or applied in a discriminatory manner on the basis of sexual orientation or gender identity. Equally, it was concerned at the failure of the State party to provide information on measures taken to investigate the complicity of State officials in human rights violations in counter-terrorism operations. What procedures were in place for engaging with the Committee's follow-up process and substantively implementing the Committee's recommendations?

13. In its Views with regard to communication No. 2155/2012 (*Paksas v. Lithuania*), the Committee had requested a revision of the lifelong prohibition of President Paksas's right to be a presidential candidate. Although the State party had indicated in 2014 that it had established an ad hoc commission and working group to review the matter, it had not provided any further information to the Committee. She wished to verify the accuracy of civil society reports that, in a 2016 ruling, the Constitutional Court had stated that the Views had no legal force and that the government representative, Mrs. Karolina Bubnyte, had repeatedly made the same assertion before the Seimas. Inasmuch as the State party had accepted the legal obligation to put the provisions of the Covenant into effect, it also had an obligation to give legal effect to the Views of the Committee.

14. With reference to paragraph 2 of the list of issues, she would appreciate clarification regarding the Government's view of the relationship between rights under the Covenant and the Constitution of Lithuania. She would be interested to know whether constitutional provisions were interpreted in the light of Covenant rights and, if so, why the matters at issue in President Paksas's case had not been resolved on the basis of the Constitution and its interpretation. It was unclear what processes, if any, existed to ensure that proposed amendments to the Constitution were consistent with the State party's international legal obligations.

15. In respect of paragraph 9 of the list of issues, the Committee was concerned about the under-reporting, under-investigation and under-prosecution of hate crimes in the State party. She would appreciate clarification on the statistical information in annex 2 of the report on "registered" crimes under article 170 of the Criminal Code. It would be useful to know whether all crimes that were reported were registered, how many convictions had ensued and what penalties had been handed down in those cases. She would welcome information on the steps being taken by the State party to ensure that hate crimes were properly prosecuted as such, rather than as other types of offences. In addition, she would be grateful if the delegation could supply disaggregated statistics on the number of hate crimes committed against members of vulnerable populations, such as members of ethnic or religious minorities and homosexuals. She would like to know how many criminal cases relating to hate crimes on the Internet had been pursued by cybercrime investigation units and with what results. How often had hate speech been removed from the Internet by the

Inspector of Journalist Ethics? What legal standard was applied to identify hate speech, and was there a process for contesting the removal of content? Information on the steps being taken by the State party to address societal intolerance regarding specific groups would be appreciated.

16. **Ms. Jelić**, referring to paragraph 3 of the list of issues, said that she would welcome information on the composition of the Seimas Ombudsman's Office and the procedure in place for the appointment of its members. It would be useful to obtain further details on the specific areas of action of the Office and the new functions referred to in paragraph 20 of the State party's report. Further information on the relationship between the Seimas Ombudsman's Office and the Equal Opportunities Ombudsperson would be welcome. Did the former have any competency with respect to discrimination cases, or were they exclusively the domain of the latter?

17. Regarding the dissemination of the Covenant, she would appreciate further information on how the Government cooperated with civil society organizations in furthering the public awareness initiatives referred to in paragraphs 93 to 95 of its report. She wondered whether the concluding observations of the Committee on the third periodic report of Lithuania had been disseminated through public events and discussions or only on institutional websites. It would be useful to know how many judges had taken part in training sessions dealing with the provisions of the Covenant and the concluding observations and Views of the Committee.

18. It was her understanding that administrative fines ranging from 40 to 1,200 euros could be imposed for breaches of the Law on Equal Opportunities of Women and Men. However, it seemed that, in most cases, the only response was the issuance of a warning by the Equal Opportunities Ombudsperson. Academic and civil society reports indicated that the State Labour Inspectorate was reluctant to classify instances of discrimination as a breach of labour laws. She would be grateful if the delegation could elaborate on that assertion. In addition, it would be useful to know how many complaints regarding discrimination in connection with the free movement of workers had been examined by the Equal Opportunities Ombudsperson.

19. She would also be interested to know how many total complaints of discrimination had been recorded by the Office of the Equal Opportunities Ombudsperson, in addition to the total number of complaints it had ultimately examined. Lastly, it would be useful to learn whether any type of affirmative action had been taken to promote gender equality in the workplace.

20. **Mr. Fathalla** said that he wished to know whether the 2017/20 budget for the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims had been finalized. Confirmation of the adoption of a new plan for the implementation of the national strategy for combating violence against women would be welcome. In addition, he would be grateful for clarification on how crisis centres and temporary shelters for victims of domestic violence coordinated their work, as well as further information on their management and the quality of the accommodations they provided. He would be interested to know how the State party addressed sexual harassment in the workplace outside the employer-employee relationship and to learn more about the State party's efforts to raise public awareness of the issue of sexual harassment and to publicize the available means of protection and redress.

21. **Mr. Politi** said that the Committee would be grateful for specific information on any measures taken to improve the social and economic conditions of the Roma community, particularly with regard to education, women's employment, health insurance and housing, under the 2015–2020 iteration of the Action Plan for Roma Integration into Lithuanian Society. He would welcome clarification as to why no statistics were available from the Prosecutor General's Office on criminal complaints involving discrimination unless they resulted in a pretrial investigation. In that regard, it would also be useful to learn whether the statistics provided in the report regarding discrimination against the Roma community covered cases involving violence and intimidation.

22. **Ms. Kran** said that she would be interested to know what sorts of depictions of same-sex relationships, if any, were not censored under the Law on the Protection of

Minors against the Detrimental Effect of Public Information; how often that law had been applied in practice; whether it had ever been used to censor information that was not related to lesbian, gay, bisexual, transgender or intersex persons; and whether the Government planned to amend that statute to ensure non-discrimination on the grounds of sexual orientation. She would also welcome confirmation as to whether a positive depiction of relationships between lesbian, gay, bisexual, transgender and intersex persons in the media would potentially prompt action by the Office of the Inspector of Journalist Ethics. She also wished to know why the Office's restrictions on freedom of expression in relation to lesbian, gay, bisexual, transgender and intersex persons were considered necessary and how they could be considered proportionate to the harm that they were thought to cause. It would be interesting to know whether there had been any successful legal challenges to the Office's recommendations on the ground that they were discriminatory and, if not, whether other remedies existed. In the same vein, she would welcome information on any plans to provide greater access to the Office of the Equal Opportunities Ombudsperson for people facing discrimination on the basis of sexual orientation or gender identity. She also wished to know what steps had been taken to increase accountability for hate crimes against lesbian, gay, bisexual, transgender and intersex persons and whether such crimes constituted a distinct punishable offence.

23. She would be interested to learn what steps the State party had taken to allow same-sex couples to obtain legal recognition of their relationships. An update would be appreciated on the steps taken by the State party to implement the decision of the European Court of Human Rights requiring the establishment of legal measures to regulate gender reassignment. An explanation of the proposed amendment to the Civil Code that would prohibit legal and medical gender reassignment would be welcome, as would information on the extent of access to reassignment surgery in Lithuania. She would appreciate information on any legal measures adopted to facilitate gender reassignment procedures or to simplify the issuance of new identity cards to persons who had undergone such procedures. It would also be useful to know whether persons who wished to change their gender legally were required to have undergone gender reassignment surgery. Lastly, she would be interested to know how the State party's prohibition of gender reassignment surgery for married persons was consistent with anti-discrimination legislation.

24. **The Chair** said that he wished to know how the State party balanced respect for freedom of expression and association with the sentiments of the Russian-speaking minority in Lithuania, given that the latest National Security Threat Assessment had designated movements advocating a change in the country's political orientation as a potential threat to national security.

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

25. **Mr. Staniulis** (Lithuania) said that the Seimas Ombudsmen's Office had two functions: the first — monitoring the activities of the Government to prevent any abuse of power — was provided for in the Constitution, while the second — examining complaints of human rights violations and promoting respect for human rights throughout the country — was provided for in recent amendments to the legislation regulating the Office's activities.

26. **Ms. Goštautaitė** (Lithuania) said that the Prosecutor General's Office did not compile official statistics. Nevertheless, since 2018, pretrial investigations had been classified according to the article of the Criminal Code and the suspected motive involved in each case, but not by the race, nationality or religion of the alleged victim. Thus far in 2018, nine pretrial investigations into violations of article 170 of the Criminal Code had been initiated, of which five related to nationality, two to race and two to sexual orientation. Three of those investigations had been closed and six were under way. Between 2010 and 2018, around 1,000 pretrial investigations into suspected violations of article 170 had been initiated, of which 253 had gone to trial, resulting in 2,075 individual convictions. Prosecutors could only discontinue pretrial investigations into cases involving hate speech if the Office of the Inspector of Journalist Ethics had concluded that no incitement to hatred had occurred. The termination of pretrial investigations could be challenged by the alleged victim if he or she felt that the prosecutor's decision was unlawful or unreasonable. In

2017, the Government had received funding from the European Union for a two-year inter-institutional project to train police officers how to recognize hate crimes.

27. **Ms. Dulkinaitė** (Lithuania) said that employers with more than 15 staff members were required to publish their internal policies for the implementation of the gender equality provisions of the Labour Code. Between 2015 and 2017, the State Labour Inspectorate had conducted 193 investigations into complaints regarding a lack of gender equality in the workplace. The Government had organized activities to educate people about the gender pay gap as a means of helping to address labour market segregation issues. It had also conducted information campaigns to raise awareness of the provisions of the new Labour Code and had supported women's advocacy groups.

28. The Office of the Equal Opportunities Ombudsperson conducted independent investigations and surveys concerning discrimination on the basis of sex and sexual harassment and made policy recommendations to the Government. In 2017, it had received 312 complaints of discrimination on the basis of sex, 98 complaints of discrimination on the basis of age and 83 complaints of discrimination on the basis of disability, most of which had been related to situations in the workplace.

29. The 2017–2019 Action Plan for Promoting Non-discrimination against lesbian, gay, bisexual, transgender and intersex persons was being implemented by various institutions and NGOs. The Office of the Equal Opportunities Ombudsperson was organizing seminars, meetings and training courses on issues relating to the rights of lesbian, gay, bisexual, transgender and intersex persons; the Police Department also arranged for courses for its officers on such issues. In addition, research was being conducted on such persons' status in society and on the protection afforded to them in public and private life.

30. In 2017 the Office of the Ombudsperson had launched a three-year project with financing from a European Union structural fund that focused on combating discrimination in the labour market by raising awareness of human rights in the business community, the public sector and society at large. Awareness-raising distance learning courses would also be organized and guidelines for business equality plans were to be issued.

31. The European Commission had provided funds in late 2017 for another awareness-raising project on the rights of lesbian, gay, bisexual, transgender and intersex persons. The Lithuanian Gay League was a leading partner in the project, which focused on increasing public acceptance of that community and highlighting the legal difficulties that its members faced.

32. **Mr. Milevičius** (Lithuania) said that in 2017 a budget of €827,000 had been allocated for the implementation of the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims. The corresponding budget for 2018 was €865,000, and the budgets for the following two years would be even larger.

33. The functions performed by crisis centres and shelters overlapped to some extent, but the crisis centres mainly focused on intensive, short-term assistance, while the shelters offered longer-term accommodation. Crisis centres and shelters in smaller municipalities were financed by the local authorities, while cities such as Vilnius and Kaunas also had a number of facilities run by NGOs. As many of the crisis centres had been set up with the help of European Union funds, they were required to operate in accordance with European Union standards.

34. **Ms. Goštautaitė** (Lithuania) said that sexual harassment was a punishable offence when committed in other situations as well, not just in the workplace. The Criminal Code also prohibited, for example, the sexual harassment of persons who relied on public social services.

35. **Ms. Montvydaitė** (Lithuania) said that the Department of National Minorities had been re-established in 2015 in order to promote tolerance throughout society and the integration of all minorities. It served as a bridge between cultures, language groups and communities. The Department organized training seminars for journalists and other members of the mass media as a means of combating hate speech. It supported and funded cultural activities on behalf of Roma, Muslim and other groups. International Roma Day was celebrated each year on 8 April and, in 2015, the Seimas had decided to celebrate

National Community Day each year on 22 May. The country's leaders were also involved each year in celebrating the International Day for Tolerance on 16 November.

36. Integration and other measures taken on behalf of the Roma community had produced impressive results. That community was composed of just over 2,000 people, most of whom lived in Vilnius. As more than 50 per cent of the members of the Roma community were under 20 years of age, public support focused on providing access to education and the labour market. A network of teachers had been set up to engage in social work with the community. It was estimated that there were more than 460 Roma children in the country's schools, but the statistics were somewhat inaccurate because their origins were not always identifiable. A large group of Roma women were enrolled in vocational training courses funded by the European Union.

37. The number of Roma living in a camp in Vilnius had declined over the past 10 years from about 500 to 240; the municipal government of Vilnius ran a housing programme for Roma that provided rental subsidies. Social workers assisted members of the Roma community to find employment. Health insurance coverage for the Roma community had been just 76 per cent in 2011 but had increased to 89 per cent by 2015, compared to 91 per cent for the population as a whole.

38. **Ms. Milašiūtė** (Lithuania) said that it had admittedly taken her country some time to execute the judgment of the European Court of Human Rights in the *L. v. Lithuania* case. However, since 2017, persons who had not yet undergone permanent gender reassignment surgery could still obtain official documents on which their chosen gender identity was represented. According to a landmark domestic court ruling in May 2017, gender reassignment should be understood more broadly as an individual's psychological self-identification with a particular gender, as evidenced by the person's medical data and social behaviour. Similar rulings had subsequently been handed down in more than 10 cases.

39. As legislative amendments were deemed to be necessary in order to comply with the judgment of the European Court of Human Rights, in 2017 the Minister of Justice and the Minister of Health had been instructed to draw up the necessary legislation in order to fill in the existing gaps in the law and ensure that transgender persons could obtain necessary medical treatments. The two basic requirements were to ensure legal recognition of gender reassignment and to ensure access to medical treatment for persons requesting reassignment. A bill drafted by a high-level working group had been submitted to ministries, ombudspersons and the Association of Municipalities for their consideration. Expert advice had been sought from the Sexual Orientation and Gender Identity (SOGI) Unit of the Council of Europe, and the Transgender Europe Network had submitted comments and proposals. Given the widely divergent views on the issue held by members of the legislature, a conference of representatives of the Ministry of Justice, the parliamentary Human Rights Committee and the SOGI Unit was to be held in September 2018, prior to the autumn session of the Seimas, to prepare the ground for the submission of the bill.

40. Some progress had also been made in the area of medical treatment. Transgender persons currently had access to psychiatric assistance, hormone treatment and certain types of plastic surgery, and there was a legal avenue for seeking compensation for the cost of certain medical treatments even though they were not included in the national health coverage scheme. As the work done to date on draft legislation had been based on the International Classification of Diseases, some of those texts might have to be reworked in view of the recent adoption by the World Health Organization (WHO) of a new version which coded transsexualism differently.

41. A high-level meeting had been held a few days previously at the Seimas Ombudsman's Office with the Minister of Justice and the Minister of Health to assess action taken in response to the *L. v. Lithuania* case. Both Ministers were determined to take effective action to ensure protection for transgender persons. It was hoped that the requisite political support would be obtained at the parliamentary meeting scheduled for September 2018.

42. **Mr. Stankevičius** (Lithuania) said that the Office of the Inspector of Journalist Ethics oversaw compliance with the Law on the Protection of Minors against the

Detrimental Effect of Public Information. That law contained an exhaustive list of the categories of information that it covered, including gruesome violence and incitement to hatred, and was enforced in line with the principles of necessity and proportionality. It had actually been enforced on only two occasions, most recently in 2014. Two proposals to amend the statute had been submitted to the Seimas.

47. **Ms. Goštautaitė** (Lithuania), referring to paragraph No. 12 of the list of issues, drew attention to paragraphs 99 to 102 of the report, which dealt with the steps taken to investigate the possible unlawful transportation of persons across the national border and their detention by the Central Intelligence Agency of the United States on Lithuanian territory. As noted in paragraph 102, in February 2015 the prosecution service had decided to combine the two pretrial investigations being conducted in connection with the suspected offences in order to move forward more quickly. Vigorous action had been taken to disclose the crimes and identify the guilty parties, but no objective evidence had been found. Accordingly, no active investigative activities were currently being conducted, although the investigation had not been terminated. To some extent, the current status of the investigations had to do with the fact that no response had been received to requests for legal assistance from other countries.

44. **Ms. Milašiūtė** (Lithuania) said that cooperation with NGOs and civil society was generally encouraged in the course of the legislative process, especially in connection with the implementation of United Nations treaty body recommendations. The Ministry of Foreign Affairs was responsible for overall coordination, but the Ministry of Justice coordinated action relating to the universal periodic review procedure. Annual meetings were held with representatives of ministries, parliamentary committees, ombudspersons and civil society on the implementation of universal periodic review and treaty body recommendations, and NGOs were encouraged to engage in the dialogue. Line ministries were also urged to hold meetings with NGOs on the implementation of specific recommendations.

45. **Mr. Germanas** (Lithuania) said that the State Security Department was required to submit assessments of threats to national security. Those assessments were not directed against specific groups of people but instead focused on persons who could negatively influence certain types of political and social processes in Lithuania.

46. **Ms. Cleveland** said that, as she had noted earlier, she would welcome more detailed information on the steps taken by the State party to implement the Committee's Views. She would also welcome information on the penalties that had been imposed on persons who had committed hate crimes. In particular, she wondered whether aggravating circumstances had ever been applied in a case involving a crime motivated by a person's sexual orientation.

47. It would be interesting to learn, as she had stated in her first round of questions, what legal standard was used to identify speech as actionable hate speech or hate speech that should be removed from the Internet. She would appreciate a comment on reports that the annual list of national security threats was used to suppress discussions of Lithuanian complicity in Nazi crimes during the Second World War. More specifically, she would like the delegation to address claims that one particular person had been included on the list for no reason other than that he had stated that Lithuania had been anti-Semitic even before the War and that the provisional Government of 1941 and its paramilitary battalions had contributed to the Holocaust. Comments on reports that the Seimas was considering a government-sponsored bill that would ban the sale of material that distorted historical fact would also be appreciated.

48. She would welcome an update on the status of the bill that would restrict access to abortion in some cases and on a number of legislative initiatives that would limit the rights of lesbian, gay, bisexual, transgender and intersex persons. She noted that few perpetrators of domestic violence were convicted, and she would therefore appreciate it if the delegation would comment on reports that efforts to combat domestic violence were not as energetic as they might be. It would be interesting to know whether the State party had plans to criminalize marital rape.

49. **Mr. Politi** said that it would be useful to have a table indicating progress towards specific goals connected with the elimination of discrimination against members of the

Roma community. He wondered whether the authorities had any statistics on early marriage among Roma and whether any action had been taken to raise awareness of the problems posed by that custom.

50. **Mr. Fathalla** asked whether he had understood correctly that sexual harassment in the workplace was a crime only when the victim was hierarchically subordinate to the perpetrator.

51. **Mr. Staniulis** (Lithuania) said that Lithuania had no legally defined process for giving effect to the recommendations made by treaty bodies or the Committee's Views. Nonetheless, the recommendations were distributed to the relevant ministries for further action, and they informed the decisions that were ultimately made on relevant matters. In some cases, they were explicitly referred to when the rationale for those decisions was being explained.

52. **Ms. Milašiūtė** (Lithuania) said that, under Lithuanian law, the legal status of the Committee's Views was identical to that of the judgments of the European Court of Human Rights. In addition, the government official responsible for articulating the Government's response to the Court's judgments was also responsible for coordinating the Government's efforts to give effect to the Committee's Views. There was a clear basis under domestic law for awarding any necessary compensation. The Committee's Views also provided sufficient grounds for reopening, as appropriate, criminal proceedings that had been brought to a close.

53. It should not be surprising that it was taking so long to give effect to the Views adopted by the Committee in *Paksas v. Lithuania*, a controversial case in which the Committee had requested Lithuania to revise the lifelong prohibition which barred the complainant, a former president of the country, from standing in presidential elections or serving as prime minister or as a cabinet minister. A bill that would change the ban for life to a 10-year ban had been discussed in the first parliamentary session of 2018, and that bill was now ready to be submitted to the full legislature when it met again later in the year.

54. **Ms. Montvydaitė** (Lithuania) said that she would try to find an English-language version of the progress indicators that had been requested by the Committee. Early marriages in the Roma community were rarely officiated by public servants. In fact, Roma families were often reluctant to inform the State of the child marriages that took place in their communities. In Lithuania, unlike in some other countries, members of the Roma community typically stated that early marriage was part of their cultural tradition, and efforts made by the authorities to try to put a stop to early marriage were unwelcome.

55. An oblique approach to the issue was therefore taken. For instance, empowerment activities for women were organized, and efforts were made to help them enter the labour market. An association of Roma women from the Baltic region had been established at an international meeting organized by the Government in 2017, and the majority of the persons working as mediators between Roma and other communities or State institutions were Roma women. They participated in international activities, including those organized as part of the European Platform for Roma Inclusion, and were leaning English. Considerable work was still to be done, however, not least to combat stereotypes about Roma. In that regard, it was necessary to work with society as a whole, not just the Roma community.

56. **Mr. Germanas** (Lithuania) said that the Holocaust was a subject of study in the country's schools. A frank discussion of all such issues was possible; there were no prohibitions in that regard. More than 800 Lithuanians had been given the Righteous among the Nations honorific by Yad Vashem, the Israeli Holocaust remembrance authority, for their efforts to save Jews during the Second World War. The Government commemorated those Lithuanians and their courage each year.

57. **Ms. Goštautaitė** (Lithuania) said that the results of the authorities' focus on domestic violence were clearly visible. Every year, for example, there were some 10,000 investigations into suspected cases of domestic violence. In addition, the number of cases that had led to trials had increased every year since 2015, reaching more than 2,000 in the first half of 2018. Marital rape was punishable in the same way as any other rape.

58. The Prosecutor General's Office did not have any specific statistics on the number of cases in which the punishment for a crime had been stiffened because the perpetrator had been motivated by hatred of a particular category of persons. Speech that incited hatred of a given group was considered hate speech. Calls to disseminate degrading comments were also considered hate speech. The Office of the Inspector of Journalist Ethics was responsible for scrutinizing the media for signs of incitement to hatred.

59. **Mr. Stankevičius** (Lithuania), responding to earlier questions regarding the submission of bills in the legislature concerning such issues as the prohibition of abortion and restrictions on the rights and freedoms of gay, lesbian, bisexual, transgender and intersex persons, said that the country's lawmakers were entitled to propose bills or other legislative initiatives as they saw fit. None of the proposals about which Committee members had expressed concern had been adopted. In fact, many of them had not even been discussed in committee but had simply been registered.

60. **Ms. Kran** said that she wondered whether the legislative proposal that would afford same-sex couples the right to have their relationships formally recognized had progressed beyond the registration stage. She also wondered whether the decisions made by the Office of the Inspector of Journalist Ethics could be challenged and what steps were taken to ensure that those decisions were necessary and proportionate.

61. **Ms. Cleveland** said that she wished to know what stage the bills that would restrict access to abortion and limit criticism of the nation had reached in the parliamentary process. She would welcome information on the State party's efforts to combat discrimination against persons with disabilities. It would be interesting to learn, for instance, what steps it had taken to ensure that such persons had access to public buildings, transport and sexual and reproductive health services, including contraception and confidential treatment of sexually transmitted diseases.

62. **Ms. Jelić** said that she would like to know what measures the State party was adopting, in the absence of a specific legal framework, to enable its national minorities to preserve their linguistic identity and exercise their right to use their own language. In the same connection, she wondered what had been done to ensure that a high-quality education was offered in the State party's minority-language schools. She also wished to know whether progress had been made towards drafting, in consultation with members of the Roma community, a comprehensive strategy for combating discrimination against Roma in all spheres of public life. Lastly, she wished to know whether the law prohibiting employers from discriminating against women — by paying them less, for example — applied to employers in both the public and private sectors or only to those in the public sector.

63. **Ms. Montvydaitė** (Lithuania) said that all action plans and other projects concerning the Roma community were developed and implemented in close consultation with Roma non-governmental organizations and other community representatives. Four proposals for a national minorities law had been put forward. There was no legislative void in that regard, however, as the rights of national minorities were recognized in a number of specific laws. Their rights in connection with education, for instance, were recognized in the Law on Education.

64. The total number of schools in Lithuania had been halved since the country had regained its independence, but the number of Polish-language schools had remained the same. Lithuania had a larger Polish-language education system than any other country in the world outside Poland. Municipalities in the regions inhabited by national minorities offered public services in the minority language as well as in Lithuanian.

65. **Mr. Germanas** (Lithuania) said that discussions with the country's Polish minority and with the Government of Poland on the rights of Polish speakers in Lithuania had been very productive.

66. **Ms. Dulkinaitė** (Lithuania) said that the requirements put in place to promote equal pay for equal work applied to both the public and private sectors. Employers in both sectors also had to have equality plans and could be required to publish wage information broken down by gender. Efforts to narrow the gender pay gap would be facilitated by the provision of appropriate training in both public and private institutions.

The meeting rose at 6 p.m.

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Held at the Palais Wilson, Geneva, on Wednesday, 11 July 2018, at 10 a.m.

Chair: Mr. Shany

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Lithuania (*continued*) (CCPR/C/LTU/4; CCPR/C/LTU/QPR/4)

1. *At the invitation of the Chair, the delegation of Lithuania took places at the Committee table.*

2. **Mr. Stankevičius** (Lithuania), resuming his delegation's replies to the questions raised at the previous meeting, said that the Inspector of Journalist Ethics issued decisions based on the principles of proportionality, necessity and lawfulness and in accordance with the Constitution and the relevant international agreements. Those decisions could be challenged before the courts.

3. **Mr. Staniulis** (Lithuania) said that nine legislative amendments relating to the rights of lesbian, gay, bisexual, transgender and intersex persons had been submitted to the parliament (Seimas). So far, none of them had been adopted. With respect to the proposal to amend the Civil Code in order to prohibit gender reassignment, for example, in October 2013 the Government had decided not to support the initiative on the grounds that it conflicted with the Constitution and the State's international commitments. The proposal to amend the Law on the Fundamentals of the Protection of Children's Rights in order to prohibit the adoption of Lithuanian children by same-sex couples had been rejected in October 2015 by the Human Rights Committee of the Seimas on the grounds that it was contrary to the country's international commitments. In October 2013 the Government had also decided not to support a bill that would prohibit abortion in all circumstances; in 2017, the Legal Affairs Committee of the Seimas had rejected the bill and had returned it to its initiators for further modifications.

4. **Ms. Kran**, referring to the findings of the European Court of Human Rights in the case of *Abu Zubaydah v. Lithuania* regarding the State party's participation in a secret detention programme run by the Central Intelligence Agency (CIA) of the United States of America, said that she would welcome information on the measures taken pursuant to the Court's decision in order to ensure that a sufficient degree of public scrutiny was maintained with respect to the investigation and that those responsible were brought to justice. She would like clarification as to which pretrial investigation material in that case had not been declared a State secret and why access to all such material had been restricted. In view of reports that some Lithuanian public servants had denied that the Court's judgment was binding, she wished to know whether public servants received adequate training and information on the State party's international legal obligations. She would also appreciate information on measures taken to reopen the pretrial investigation in the similar case involving Mustafa Ahmed al-Hawasawi. More generally, she wondered what was being done to ensure access to justice for other persons who had been held in the detention sites run by the United States Central Intelligence Agency.

5. The Committee had been informed that very few complaints of violence or other inappropriate conduct by prison officials were investigated or resulted in sanctions; that several inmates at Alytus prison and Marijampolė prison had reported ill-treatment and excessive use of force by prison staff; and that a pretrial investigation had been launched in response to allegations of correctional officers coercing inmates at Alytus prison. She would like to know what improvements had been made to ensure that complaints made by inmates led to appropriate proceedings and sanctions and how the State party ensured the independence of investigations into such complaints. She would also appreciate information on the outcome of the investigation concerning Alytus prison and on any plans to provide training on the prevention of ill-treatment to health workers who dealt with prisoners.

6. With respect to the definition of abuse of official position provided in paragraph 114 of the State party's report, she wondered whether excessive use of force fell under that definition; how the issue of abuse of official position was addressed in prison and detention centre policies; and how often the legal provisions on abuse of official position had been

applied by the courts in connection with the excessive use of force by prison or detention centre officials since 2010. In particular, she would appreciate information on the policies governing the use of force by special intervention units and the measures taken in response to allegations of ill-treatment by members of those units.

7. The Committee would be interested to hear what steps were being taken to further increase the use of alternatives to imprisonment for convicted persons; whether some prisons remained overcrowded despite the net decrease in the prison population; whether the length of custodial sentences had increased, thus contributing to the problem of overcrowding; and what measures were being taken to address the problem of inter-prisoner violence, which was reportedly exacerbated by the cramped conditions in the country's prisons. Lastly, it would be useful to know in what proportion of all cases had bail or other alternatives to pretrial detention been granted and what measures were being taken to ensure that legal procedures pertaining to persons awaiting trial were in line with article 9 (3) of the Covenant.

8. **Mr. Politi** said that he would like to know whether corporal punishment was prohibited not only in prisons but also in schools, other institutions and family settings. He would like more information on the protection afforded to child victims of abuse under the Law on Protection against Domestic Violence, the Law on the Fundamentals of the Protection of Children's Rights and the recent amendments to the Criminal Code. In particular, he wished to know how many cases of trafficking or exploitation of children for slavery, sexual services or prostitution had been investigated and prosecuted on the basis of the amendments made to the Criminal Code in July 2012 and how many sentences had been handed down under the amended provisions of the Criminal Code introduced between 2013 and 2015 to persons convicted of committing violence against minors or abusing them. It was unclear whether the 214 cases of violence against children that had been reported to the Ombudsperson for Children's Rights between 2010 and 2017 had been referred to the judicial authorities for investigation and, if so, what the outcome of those investigations had been.

9. He would like to know how the amendments listed in paragraph 170 of the State party's report ensured free and effective legal representation for persons deprived of legal capacity, particularly in proceedings concerning their legal capacity. Under amendments made to the Civil Code, persons could be considered to lack legal capacity in certain areas only; he would like clarification as to which areas were concerned by that provision and, in particular, whether that provision could be used to restrict a person's right to marry, right to vote and right to stand for election.

10. He would welcome more information on the content of the new law on mental health in the light of reports that it was inconsistent with the Code of Civil Procedure. He would also appreciate information on the legal remedies available in cases of involuntary hospitalization and medical treatment and on the legal provisions that allowed for surgical operations to be performed on persons with disabilities without their consent.

11. He would like to hear more about the categories of persons who were entitled to legal aid under the Law on State-Guaranteed Legal Aid. He wondered whether, under exceptional circumstances, persons deprived of legal capacity could apply for its full reinstatement more than once a year and whether legal aid was available to persons deprived of legal capacity who had been subjected to involuntary hospitalization or medical treatment.

12. The State party had indicated that personal data could be shared with certain parties in cases provided for by law. It would be useful if the delegation could give some examples of cases in which there was a legal basis for the provision of data to private or State recipients and indicate whether existing case law was used as guidance in the interpretation of the relevant legal provisions. He would like clarification as to who was responsible for enforcing data management laws and exactly how the State Data Protection Inspectorate supervised their enforcement. Lastly, he wished to know what kinds of complaints the Inspectorate was authorized to examine, whether the Inspectorate had the power to impose sanctions and, if so, what kinds of sanctions had been imposed.

13. **Ms. Cleveland** said that she would welcome information on the bill that, if passed, would restrict access to abortion to cases of rape and cases in which the woman's life or health was at risk, as well as on the status of the proposed amendment to the Law on Consumer Protection. The national human rights institution, the Committee against Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had voiced serious concerns about the poor prison conditions in the country and the State party's failure to implement its plan for the modernization of places of detention. She would like to know what efforts had been made to give effect to the recommendations of those three bodies, to improve conditions of detention and to move forward with the closure, renovation and construction of prisons.

14 It was encouraging to learn of the State party's efforts to improve the conditions in the Foreigners' Registration Centre. Still, she would be grateful to hear more about the measures taken to implement the recommendations of the Seimas Ombudsman's Office in that regard. It would be helpful for the delegation to also comment on reports that detained refugees and migrants were allowed outside for only one hour per day and to indicate whether there was a complaints mechanism for migrants or asylum seekers.

15. It would be useful to know what steps had been taken to ensure that persons seeking international protection were identified and registered as asylum seekers at border crossings and at the Foreigners' Registration Centre, informed about the asylum procedure and referred to the relevant authority promptly. She wished to know whether allegations of denial of entry or access to asylum procedures were duly investigated. Was it true that asylum seekers were sometimes detained at the border for up to 28 days, in unsuitable conditions and without access to judicial remedies? If so, the delegation should indicate what had been done to protect asylum seekers from unlawful or arbitrary detention and ensure that they had access to a judicial review of their detention. It would also be helpful to obtain information about the average period for which migrants were held and about the use of non-custodial alternatives. She would like to know how asylum seekers were informed of their right to free legal aid, whether that right also applied to regular and irregular migrants, and how often those persons were represented by counsel. Details would also be appreciated on measures taken to combat stereotypes and prejudice against migrants and asylum seekers under the 2017–2019 Action Plan for Promoting Non-Discrimination and to respond effectively to expressions of hatred.

16. **Mr. Fathalla** said that he would be grateful for additional clarification about the sexual harassment provisions of the Labour Code and their application in practice. He wished to commend the delegation for its very thorough replies to the Committee's questions regarding trafficking. Given that no applications for temporary residence permits had been issued to victims of trafficking in 2013–2016, was it to be concluded that the issue had been largely resolved?

17. Additional information was needed about the alternative national defence service. The State party had indicated that applications for alternative service should be based on religious or pacifist beliefs that did not allow a person to perform military service while armed. Were there no other criteria? He also wished to know whether the conditions under which alternative service was performed, including duration and pay, were the same as for military service.

The meeting was suspended at 10.50 a.m. and resumed at 11.10 a.m.

18. **Ms. Goštautaitė** (Lithuania) said that the allegations concerning the secret detention centre operated by the Central Intelligence Agency (CIA) on Lithuanian territory had been thoroughly investigated. Details of the investigations and other relevant facts were provided in the State party's report to the Committee. Although no specific criminal acts committed by public officials had been established to date, the investigation remained open. Requests for judicial assistance extended to the Governments of Afghanistan and the United States had produced no results thus far. As the pretrial investigation was confidential and some of the data concerned national security, no more details could be provided at the present time.

19. **Ms. Milašiūtė** (Lithuania) said that Lithuanian civil servants were keenly aware of the binding nature of judgments rendered by the European Court of Human Rights. In the *Abu Zubayda v. Lithuania* case, there were practical stumbling blocks that were hindering

the implementation of the judgment, such as the matter of how to make payment of compensation to a person imprisoned in another country. The Court had yet to render a final judgment, and her Government was currently engaged in consultations concerning the possibility of lodging an appeal with the Grand Chamber of the Court. A decision on that matter was expected in August 2018.

20. Lukiškės prison in Vilnius was notorious for its poor conditions. The Government had planned to sell the historic building and use the proceeds to build a new prison complex outside the capital. Since no buyer had come forward to date, however, the building continued to serve as a prison. The newly appointed Minister of Justice had announced plans to use some of the funds from the 2009–2014 Norwegian Financial Mechanism to build new units in existing facilities outside the capital. Lukiškės prison would be closed down upon completion of those construction works.

21. Prisoners in Lithuania had effective access to the courts. Administrative courts received a large number of complaints about prison conditions, and there was no legal impediment to filing complaints of physical or verbal abuse by prison officials. Independent investigations were conducted into such complaints, and officials could be prosecuted under the Criminal Code. Special intervention units in prisons were either public security units attached to the Ministry of the Interior or specially trained units attached to the Prison Department of the Ministry of Justice.

22. Despite a major shift in recent years towards the increased use of non-custodial measures, the number of persons released on parole had actually decreased. That could be attributed partly to the fact that persons serving long sentences were not yet eligible to apply for alternative sentencing and partly to the reluctance of judges to grant parole in cases that had attracted media attention. That situation could only be remedied by changing people's attitudes. By contrast with the situation in respect of parole, the number of suspended sentences was on the rise. The proportion of pretrial releases on bail, currently under 1 per cent, was also increasing. Overall, detention on remand was being used less frequently than in the past.

23. **Ms. Charašauskaitė** (Lithuania) said that, although alternatives to pretrial detention were not broadly used, some progress had been made. Release on parole had been granted in 233 cases in 2016 and 272 cases in 2017. In 2017, seizure of documents had been applied in some 4,000 cases; an obligation to reside separately from the victim in approximately 2,000 cases; house arrest in over 200 cases; an obligation to register with a police station on a regular basis in some 4,000 cases; and a written obligation to stay within a certain defined area in over 23,000 cases.

24. **Ms. Dulkinaitė** (Lithuania) said that the Law on the Fundamentals of the Protection of Children's Rights, as amended in 2017, contained a broad definition of violence against children that included neglect. It also prohibited corporal punishment and set forth the obligation of parents and other legal guardians to ensure that children's physical, emotional and social needs were met.

25. The Support Centre for Child Victims of Sexual Abuse had been established in 2016 and afforded integrated assistance for child victims of sexual abuse and their families, providing psychological, social, legal and medical services in a child-friendly, safe environment. Guidelines on the provision of integrated assistance for child victims of sexual exploitation had been prepared in order to enable child welfare institutions to protect children's rights more effectively. The Centre offered training on child rights for staff in different institutions. In early 2017, mobile units had been introduced to provide services to victims and their families closer to their place of residence. Under the National Action Plan for Child Welfare, 12 non-governmental organizations (NGOs) had been awarded funding through a bidding process; in 2017, they had provided integrated assistance to some 700 child victims of violence and their families.

26. **Mr. Milevičius** (Lithuania) said that the Law on Protection against Domestic Violence provided for a more systematic approach to combating that form of violence. State-funded NGOs assisted victims of domestic violence in specialized centres throughout Lithuania. The number of persons receiving such assistance had risen from around 5,000 in 2013 to almost 19,000 in 2017. According to opinion poll results, public awareness of the

support available to victims and of the action being taken to counter domestic violence had risen from approximately 40 per cent to almost 70 per cent and from around 40 per cent to nearly 80 per cent between 2014 and 2017, respectively.

27. **Ms. Milašiūtė** (Lithuania) said that legislation on the limitation of legal capacity had been amended to bring it into line with article 12 of the Convention on the Rights of Persons with Disabilities and to reduce the number of instances in which such limitations could be imposed. The law did not stipulate in which specific areas — for example, the ability to vote or marry — a person's legal capacity could be limited; that was left to the discretion of the courts. The ultimate aim of the legislative changes was to do away with the concept of legal incapacity and to provide for tailored support for individuals based on their capacity and specific needs.

28. Legal aid was to be provided, by law, to all persons engaged in court proceedings concerning their legal capacity or involuntary hospitalization, regardless of their level of income or assets. In 2017, decisions on the provision of legal aid had been issued in around 800 cases concerning persons with severe disabilities or incapacity for work, in almost 600 cases dealing with persons potentially facing involuntary hospitalization or treatment and in over 4,300 cases concerning a person's legal capacity.

29. The rule according to which a decision on a person's legal capacity could be reviewed only once a year was intended to ease the associated administrative burden. Regrettably, she had no data on whether the courts had granted any exceptions to that rule. Under the Civil Code, involuntary hospitalization or its prolongation required a court order. A bill was under consideration that would, once adopted, define the procedure to be followed in that regard in greater detail and distinguish between the concepts of involuntary hospitalization and involuntary medical treatment.

30. **Ms. Dulkinaitė** (Lithuania) said that the steps being taken under the action plan on non-discrimination were helping to educate the public about the integration of foreign nationals and promoting intercultural dialogue. As part of that effort, articles had been published in the media and posters were displayed on public transport vehicles.

31. **Ms. Charašauskaitė** (Lithuania) said that Lithuania had acceded to the Protocol relating to the Status of Refugees in 1997 even though it was not generally considered to be a destination country for refugees and asylum seekers. The Foreigners' Registration Centre consisted of two separate buildings: one for illegal immigrants and the other for asylum seekers. With the assistance of the European Return Fund and the European Refugee Fund, living and sanitary conditions in both buildings had been improved since 2012. Alternative meals were made available to persons who refused to eat certain foods because of their religious beliefs, and psychological, health-care, social and other services were provided. A centre equipped to accommodate child asylum seekers had also been opened. New buildings for the accommodation of vulnerable groups and for the investigative work required to process asylum seekers' applications were under construction.

32. Immigrants who entered the country illegally could be detained for no more than 48 hours by the police or other law enforcement officers. The same applied to asylum seekers. Detention for longer periods, up to the maximum duration of 12 months, had to be ordered by a court. Alternatives to detention were provided for. For instance, in 2017, 16 foreigners had been accommodated in the Foreigners' Registration Centre without any restrictions being placed on their freedom of movement. In addition, 15 asylum seekers had been resettled in the municipalities since 2017.

33. **Ms. Montvydaitė** (Lithuania) said that, since the Lithuanian population had decreased by around a quarter over the previous 25 years, some municipalities were actively trying — and even competing among one another — to attract migrants to live and work there.

34. **Mr. Germanas** (Lithuania) said that, while many migrants who arrived in Lithuania ultimately settled in other countries, his country was nonetheless ready to fulfil its obligations as a member of the European Union to resettle migrants.

35. **Ms. Milašiūtė** (Lithuania) said that the role of the State Data Protection Inspectorate had become more visible since the promulgation of the European Union General Data

Protection Regulation. The Seimas had recently adopted amended versions of both the general data protection law and the specialized data protection law on police and judicial cooperation in criminal matters. The Inspectorate was empowered to impose the substantial administrative fines provided for under the General Data Protection Regulation in accordance with the Code of Administrative Offences. Fines could be appealed against before the administrative courts. The Inspectorate could request the assistance of the police to forcibly enter premises. Since the amended laws had been adopted only very recently, information on their application was not yet available. However, the Inspectorate was making considerable efforts to raise public awareness of the content of the General Data Protection Regulation.

36. **Ms. Dulkinkaitė** (Lithuania) said that, under the Law on Equal Opportunities of Women and Men, sexual harassment was defined as any unwanted offensive behaviour directed at a person verbally, in writing or through physical action with the aim of undermining the person's dignity. That law had been amended in 2017 to extend the definition of sexual harassment in the workplace to cover job applicants, as well as employees. Under the Labour Code, employers had a responsibility to ensure that no type of harassment occurred in the workplace and were required to apply non-discrimination criteria when hiring new staff. Employers were also required to ensure that any employees who reported discrimination were protected from persecution and other adverse consequences. Complaints of discrimination were examined using comparative methods; for example, the status of a female employee claiming to be the victim of gender-based discrimination would be compared to that of a male employee with equivalent experience or qualifications.

37. In 2017, the organization Electoral Action of Poles in Lithuania had submitted a bill to the Seimas that would have placed restrictions on access to abortions, but the parliamentary committees on legal affairs and human rights had dismissed it on the grounds that it could constitute a violation of women's rights and lead to an increase in illegal abortions. The Ministry of Health also opposed the prohibition of abortion and had stated that more educational measures would be of greater use. It should be noted that the number of women choosing to have abortions had decreased, as had the number of pregnancies among adolescents.

38. **Ms. Goštautaitė** (Lithuania) said that sexual harassment was most common in the workplace but could occur in any situation in which the victim was or could be under the authority of the perpetrator. There was no definitive list of potential situations of that kind, but examples included the relationships between teachers and pupils, doctors and patients, and coaches and athletes.

39. **Mr. Stankevičius** (Lithuania) said that approximately 3,000 conscripts up to the age of 27 were called up each year, but it had not yet been necessary to enforce conscription in the military as, to date, all recruitment quotas had been filled by volunteers. Applicants for alternative service, including pacifists, had therefore not been required to serve in any capacity. In order to assess applications for alternative service, which must be made prior to the proposed starting date for service, the Government had established a commission which included experts in fields such as human rights protection and religious science. The commission based its decisions on the criteria established in legislation governing public servants, which included a person's level of education and personal reputation, although applicants were also required to provide relevant documentation and objective evidence. For example, persons filing applications made on religious grounds had to demonstrate their affiliation to a legally recognized religious group. Since 2015, only one application for alternative service had been rejected owing to a lack of objective evidence; in total, 10 applications for alternative service had been filed in the first seven months of 2018, and all of them had been based on religious beliefs. Individuals engaged in military and alternative service were entitled to the same allowances and received the same equipment, with the exception of weapons and other lethal objects. Volunteers for military service also received additional financial incentives.

40. An amendment to the Law on Consumer Protection had been introduced in 2017 to ban certain products. However, after consideration by parliamentary committees to determine that provision's compliance with domestic and international legislation, it had

been rejected on the grounds that it was inconsistent with the Constitution and could limit freedom of expression. In 2018, a legislative proposal had been submitted that would ban products that featured certain prohibited symbols, but it had not yet been considered by any parliamentary committee.

41. **Ms. Kran** said that she would appreciate information on the duration of pretrial detention in 2017 and on the reasons for the dramatic decrease in the length of pretrial detention observed between 2015 and 2016. In addition, she would like confirmation that only 1 per cent of applications for the use of alternative measures in the place of pretrial detention had been approved.

42. She wished to know what the overall impact of the Code of Administrative Offences had been since its entry into force in 2017 and whether the Code still provided for the possibility that persons remanded into custody could be held under house arrest for up to 15 days. She would also appreciate any information that the delegation could provide on reports that fundamental legal guarantees for persons deprived of their liberty, including the right to counsel, were not always upheld from the outset of a person's detention.

43. **Ms. Cleveland** said that she would appreciate further information on measures relating to the detention of migrants and asylum seekers at the border and wished to know what the average length of detention was for migrants and whether migrants had access to legal assistance.

44. Regarding the situation of people considered to pose a threat to national security, she would like to know how the authorities determined who constituted a threat and what purpose was served by identifying such persons publicly, particularly when no action was taken against them.

45. Regarding child protection, she wished to know whether the Civil Code permitted courts to grant permission for persons under the age of 18 to marry if the woman in question was pregnant. She would also appreciate any information on the so-called "baby boxes" where people could abandon children anonymously, including whether they were still in use and how they were regulated.

46. **Mr. Politi** said that he would be interested to learn about any court decisions concerning the involuntary hospitalization and treatment of persons with disabilities, including the maximum length of such hospitalization. He would also appreciate information on sterilizations or abortions carried out on persons with disabilities without their consent and would like to know whether such actions were legislated or determined by the courts, and, if the latter, exactly what role the courts performed.

47. Regarding child protection, he would appreciate assurances that child migrants and asylum seekers were not detained for any appreciable amount of time. Were such children held in reception centres and, if so, for how long? Was any provision made for guardianship arrangements for unaccompanied minors?

48. **Ms. Milašiūtė** (Lithuania) said that it was correct that approximately 1 per cent of suspects were released on bail at the pretrial investigation stage. However, provision was also made for non-custodial measures such as intensive supervision, house arrest, the confiscation of identity documents and registration with the police.

49. **Ms. Charašauskaitė** (Lithuania) said that asylum seekers could be detained by State border guards for over 48 hours if authorized to do so by a court decision, but no foreign national could be held for longer than six months. Under the Law on the Legal Status of Aliens, as soon as foreign detainees were taking into custody, they were informed of their rights, including the right to legal assistance, in writing and in a language that they were able to understand. Child migrants and asylum seekers were housed in social institutions and were assigned guardians, irrespective of whether they applied for asylum or not.

50. **Mr. Milevičius** (Lithuania) said that 10 babies had been found in baby boxes in Vilnius in the first six months of 2018.

51. **Mr. Germanas** (Lithuania) said that, in his view, the dialogue had been both productive and thorough. The Government would continue to work towards the full

implementation of the Covenant and the revision of the national legal framework in order to make further improvements and to incorporate the Committee's Views.

52. **The Chair** said that the Committee had appreciated the delegation's informative and frank contributions to the dialogue. The State party had made progress since the submission of its third periodic report, although the pace of improvement had not been as fast as had been hoped in such areas as prison conditions and discrimination against Roma and the lesbian, gay, bisexual, transgender and intersex community. However, the country appeared to be making a determined effort to meet its obligations under the Covenant and was moving in the right direction.

The meeting rose at 12.55 p.m.

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Summary record of the 3504th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 11 July 2018, at 3 p.m.

Chair: Mr. Shany

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial periodic report of the Lao People's Democratic Republic (CCPR/C/LAO/1; CCPR/C/LAO/Q/1 and CCPR/C/LAO/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the Lao People's Democratic Republic took places at the Committee table.*

2. **Mr. Sangsomsak** (Lao People's Democratic Republic), introducing his country's initial report (CCPR/C/LAO/1), said that the foundation of the Lao People's Democratic Republic in 1975 had opened a new era of genuine national independence after 500 years of foreign occupation. The Lao Government's nation-building over the previous four decades had focused on upholding the rule of law, good governance, democracy, human rights, fundamental freedoms and social justice, which in turn had led to sustained economic growth and improved living conditions. Thanks to a series of national development plans, the Lao People's Democratic Republic would shed its status as a least developed country by 2030, having already met two of the three eligibility criteria according to a recent review by the United Nations Committee for Development Policy.

3. The Lao People's Democratic Republic had become a party to seven of the core international human rights treaties. In order to enhance high-level coordination on its human rights obligations, the Government had established a National Steering Committee on Human Rights in 2012 to work alongside several inter-agency commissions specializing in the rights of children, women and persons with disabilities. Special importance was attached to protecting the rights and legitimate interests of specific groups in the country, including the many ethnic groups that comprised the Lao population. Acts intended to break down solidarity among ethnic groups were punishable as criminal offences. The rights of women, children and persons with disabilities were protected and promoted through the implementation of constitutional provisions and specific laws, decrees, national strategies and action programmes.

4. There had been major advances in the area of legislation. An amended constitution had been adopted by the National Assembly in 2015, providing for the establishment of provincial People's Assemblies; a number of laws had been passed facilitating the implementation of the Constitution and the provisions of the Covenant; and a draft Penal Code incorporating the country's international obligations was awaiting promulgation by the President. The Constitution protected the right to freedom of expression, assembly and association, and any violation of those freedoms was a criminal offence. Steps had also been taken to strengthen the rule of law and access to justice, notably through the implementation of the Legal Sector Master Plan. The Government continued to improve prison conditions, particularly by training prison officers in the application of international standards relative to prison management.

5. Much work had been done to raise awareness of the Covenant. Seminars, workshops and training courses on human rights had been organized for various target audiences, including government officials, members of the National Assembly, judges, law enforcement officers and civil society. The promotion and protection of human rights was an evolving process. Cultural and historical diversity and regional particularities suggested that there was no single human rights model. Unique cultures, local traditions and national institutions were positive factors that helped enhance the implementation of human rights under the Covenant. In that respect, the Lao delegation looked forward to guidance from the Committee on how the Covenant could be fully implemented in the national context of the Lao People's Democratic Republic.

6. **Ms. Kran**, noting that the State party's report had come several years late, said that she hoped reporting would be conducted in a timelier manner now that cooperation between the Committee and the Government had begun.

7. She was interested to know how often and in what cases international treaties had been found to prevail over inconsistent national legislation in the previous five years. In

that regard, she would appreciate clarification of the procedures in place to ensure that national legislation was compliant with the Covenant prior to its promulgation. She also wished to know how the judiciary had been trained in the application of the Covenant in domestic law and court decisions and whether training had led to changes in professional practice.

8. The delegation should provide information on why the State party's reservation to article 22 of the Covenant and its interpretative declarations concerning articles 1 and 18 were considered necessary. It would be interesting to know on what conditions those reservations might be withdrawn. In addition, she would be grateful for an explanation of the State party's statement that its national context and reality affected its implementation of the rights enshrined in the Covenant. It would also be useful to learn whether the State party planned to ratify the first Optional Protocol to the Covenant and, if so, in what circumstances. She wondered whether the State party would be open to receiving external support in that regard.

9. She wished to know what measures were in place to ensure the independence of the State party's human rights commissions and whether they addressed the full range of rights covered by the human rights treaties to which the Lao People's Democratic Republic was party. What conditions would be necessary for the State party to establish an independent human rights institution? She would be interested to learn what would be necessary to assist with a possible transition from the existing national commissions to an independent human rights institution and asked whether the State party had made any requests for external assistance in that regard.

10. Information on the steps taken towards ratifying the International Convention for the Protection of All Persons from Enforced Disappearance would be welcome. In the same vein, she would appreciate information on the State party's investigations into alleged enforced disappearances since 2008, including the number of open investigations and the results of all investigations, open or closed. In particular, she would welcome a full account of the investigation into the alleged enforced disappearance of Sombath Somphone, including information regarding the law enforcement officials assigned to the case, the way in which Mr. Somphone's family and the public were updated on the case's progress, and the overall strategy of the investigation. Confirmation of whether the closed-circuit television footage of Mr. Somphone's disappearance or the information provided by his wife had been analysed should be provided. She was interested to learn whether the State party had requested technical assistance from other countries in the matter and whether it had asked the public prosecutor to open an investigation into the case. In addition, it would be useful to know whether the authorities planned to issue a status report on the investigation to the appropriate court, in order to facilitate the issuance of a document confirming Mr. Somphone's disappearance.

11. She would also welcome updates on the alleged enforced disappearances of Kha Yang and other members of the Hmong ethnic group, as well as of Wuthipong Kachathamakul, Bouavanh Chanhmanivon and Keochay, Somphone Khantisouk, and the nine persons detained by security forces in 2009 for planning peaceful pro-democracy demonstrations. More generally, she wished to know whether the State party had considered establishing an independent expert commission to investigate cases of alleged enforced disappearance, ensuring that an independent expert body reviewed its investigations or inviting the United Nations Working Group on Enforced or Involuntary Disappearances to visit the country. She would also welcome information on the availability of effective remedies for complainants, on any efforts made to return the remains of disappeared persons who had been found dead to their families, and on any measures in place to provide the family members of disappeared persons with assistance, particularly in legal matters.

12. **Ms. Waterval** said that the prohibited grounds for discrimination in the State party's legislation differed from one law to another and were not fully consistent with article 26 of the Covenant. The Constitution failed to mention race as a ground for discrimination, and discrimination on grounds of colour, sex, political or other opinion, property and birth was not covered by other legislation. There was also no explicit prohibition of discrimination on grounds of sexual orientation and gender identity. The delegation should specify a time

frame for enacting comprehensive anti-discrimination legislation and provide information about the status of the bill on gender equality. Referring to the Labour Law, she would appreciate confirmation that there was no wage gap between men and women. She asked how many people had been arrested, prosecuted and convicted during the previous five years pursuant to article 177 of the Penal Law, which criminalized discrimination against women. Information regarding discrimination against older people, persons with disabilities, minorities and indigenous people would also be welcome.

13. She asked how many people had been arrested, prosecuted and convicted pursuant to articles 94 to 96 of the Penal Law concerning hate speech. The delegation should explain the reference to "re-education without deprivation of liberty" in article 95 and state whether re-education was also combined with deprivation of liberty. She asked how many corporate entities or organizations had lost their permit or had been required to terminate their activities pursuant to article 68 (5) of the Law on Media. How did the State party interpret the phrase "with the intention of undermining national solidary" in article 66 of the Penal Law?

14. She asked which articles of the Penal Law imposing the death penalty had been eliminated. Had the mandatory imposition of the death penalty been abolished? Given that there had been a practical moratorium on the death penalty for about thirty years, she asked why the State party had not rendered the moratorium official. According to the State party's replies to the list of issues, death sentences had been imposed on about 315 persons for the most serious crimes. Noting that the term "most serious crimes" in article 6 (2) of the Covenant should be interpreted restrictively, she wished to know how many persons had been sentenced for drug-related offences, how many sentences had been commuted to life imprisonment and how many sentenced persons had been pardoned. When had the death penalty last been imposed and for what offence? The maintenance of persons on death row without informing them of the possible outcome constituted a violation of article 7 of the Covenant. The Committee urged the State party to render the moratorium on the death penalty official, to abolish the death penalty and to ratify the Second Optional Protocol to the Covenant.

15. **Mr. Santos Pais** said that, according to the report submitted by the State party to the Working Group on the Universal Periodic Review in 2015 (A/HRC/WG.6/21/LAO/1), policies on gender equality and promotion of the advancement of women had not been sufficiently carried out in society. Many women were still under the influence of their families and traditional stereotypes, which limited their access to justice and their potential for self-development. The report also stated that the number of female government officials in decision-making positions was not sufficiently high. He asked what steps the State party intended to take to ensure gender equality and non-discrimination in both public life and the private sphere, to raise awareness of women's rights, to combat family and traditional stereotypes, and to ensure greater empowerment of women, particularly in rural, remote or mountainous areas.

16. He asked whether it was possible, under the Law on National Defence, to comply with the conditions for declaring a public emergency laid down in article 4 of the Covenant and related obligations, including the explicit prohibition of derogation from the non-derogable human rights and fundamental freedoms enshrined in the articles listed in article 4 (2). He asked whether the State party considered that it had a comprehensive counter-terrorism legal framework, including a definition of terrorism and terrorist activities, and legal safeguards for persons suspected of or charged with a terrorist or related crime. Did it consider that the broad definition of terrorism in the Law on Money Laundering and Combating the Financing of Terrorism was in line with international standards and the Covenant? Were the provisions of the Law on Criminal Procedure concerning protection of the rights of suspects or persons charged with terrorist or related offences the same as those applicable to other offences?

17. He would appreciate information about the action that the State party intended to take to encourage the reporting of cases of domestic violence and to raise the awareness of women and children of their rights and avenues for seeking assistance and protection. Were there plans to provide further training for law enforcement officials, judges and prosecutors on legal provisions and the detection and proper handling of such cases? The delegation

should also indicate what measures would be taken to ensure prompt and effective investigation of cases of violence against women and children, appropriate punishment of perpetrators and adequate remedies for victims. It would be helpful to have statistics for the previous three years on complaints, investigations, prosecutions, convictions, sentences imposed and compensation for victims.

18. He asked whether the State party planned to step up efforts to implement the 2016 Anti-Human Trafficking Law by investigating, prosecuting and convicting traffickers, including complicit officials, as well as child sex tourists. What additional measures would be taken to disseminate information and to train police and border officials on formal victim identification and referral procedures, with a focus on vulnerable groups? The delegation should describe the measures that would be taken to assist victims, including male victims, in reintegrating into their home communities. Furthermore, what measures would be taken against sexual exploitation of children from ethnic minorities, particularly the Mon-Khmer and Tibeto-Burman communities, migrant and refugee children, children living in institutions, transgender boys, children working in exploitative conditions, children from rural areas and children living in poverty?

19. Referring to allegations that immigration officials had enabled the illicit transportation of thousands of undocumented migrant workers from China and Viet Nam into the State party for the purpose of employment in large-scale infrastructure, mining and agricultural projects, where some might have been subjected to trafficking, he asked what measures the State party had taken to address the problem.

20. Despite the legal and institutional framework concerning the prohibition of torture, former foreign inmates had consistently referred to punishment in State party prisons that amounted to torture and ill-treatment, including the practice of locking their legs in wooden stocks for extended periods, severe beating of inmates and burning of their genitals and other body parts with cigarettes. He asked when the State party intended to incorporate into its legislation a definition of torture that reflected article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and whether it intended to ratify the Optional Protocol to that Convention. The delegation should provide statistics for the previous five years on the number of reported cases, prosecutions and convictions of law enforcement and security officers for physical violence and torture of detainees, on the penalties imposed and on the reparations provided to victims. What measures did the State party intend to take to strengthen the supervision of detention facilities and to ensure that prompt and impartial investigations were undertaken of all alleged cases of torture and ill-treatment?

21. Although independent oversight of prisons and detention centres was protected by the Constitution, all levels of the judiciary seemed to experience frequent executive interference. Judges were appointed by the National Assembly, and most judges and public prosecutors allegedly belonged to the ruling party. He asked whether the State party planned to allow an independent mechanism to oversee prisons and detention centres. He would appreciate information regarding re-education measures for detainees and the locations in which they were conducted, and asked whether re-education camps were still operating.

22. **Ms. Brands Kehris** said that paragraph 36 of the State party's replies to the list of issues failed to define unlawful abortions. She asked whether voluntary terminations of pregnancy were lawful in cases where the woman's life or her physical or mental health was at risk, in cases of rape, incest or non-viable pregnancies, or in any other cases, and would appreciate information about the procedures for such terminations. The delegation should provide statistics on the number of arrests, prosecutions and convictions for unlawful abortions during the previous five years and the penalties imposed. Did the State party plan to take steps to decriminalize abortion?

23. According to a study undertaken in March 2015, 20 to 50 per cent of female admissions to hospital for gynaecological treatment were due to unsafe abortions. The Minister for Health had acknowledged in 2016 that unsafe abortions contributed to maternal mortality and morbidity. The delegation should provide updated estimates of clandestine abortions and the share of maternal mortality due to such abortions. Were any

measures being taken to address the problem foreseen in the National Strategy and Action Plan for Integrated Services for Reproductive, Maternal, Newborn and Child Health 2016-2025, and had the Prevention of Unsafe Abortion Guidelines led to any improvements? She asked how such measures were monitored and whether measures had been taken to ensure access to safe abortions throughout the territory.

24. Referring to reports of a birth rate of 94 per 1,000 girls aged 15–19 years, she would appreciate updated statistics and asked whether the rate had decreased in recent years. Access to sexual and reproductive health services was reportedly limited for that age group. The delegation should describe the impact of sexual and reproductive health education and provide updated information on such programmes, including in rural areas.

25. While maternal mortality rates had decreased in 2015, they were nevertheless high compared with other countries in the region. Updated figures for 2016 and 2017 should be provided. She would also appreciate information on the impact of the measures taken to provide prenatal and postnatal care, including free-of-charge care at public health-care centres and hospitals, and other measures aimed at reducing maternal mortality rates, especially in rural and remote areas.

26. **Mr. Ben Achour** said that the State party's reply to question No. 14 of the list of issues focused on pretrial detention, whereas the information requested related to police custody or detention pending appearance before a judge. According to paragraph 2 of the Committee's general comment No. 8, article 9 (3) of the Covenant required that any person arrested or detained in a criminal case must be brought promptly before a judge or other officer authorized by law to exercise judicial power. More precise time limits were fixed by law in most States parties and, in the Committee's view, delays must not exceed a few days. He therefore reiterated the Committee's question regarding the maximum period of custody before an arrested person was brought before a judge or other competent officer. The Committee wished to know whether there had been cases in which persons had remained in custody for months or even years without being brought before a judge. What legal framework could be invoked in order to differentiate between police custody and pretrial detention?

27. He asked whether the legal provisions governing requests for release addressed to the Office of the People's Prosecutor were consistent with article 9 (4) of the Covenant.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

28. **Mr. Sangsomsak** (Lao People's Democratic Republic), assuring Committee members that their frank comments on the state of affairs in Laos were welcome, said that it would be much easier to give effect to the recommendations made by the Committee if they were accompanied by financial support. Laos was a small, underdeveloped country, as a visit to Vientiane would make clear. It was not that the Lao authorities lacked the will to fully implement the Covenant; current conditions and circumstances prevented them from doing so.

29. **Mr. Sisoulath** (Lao People's Democratic Republic) said that the Lao People's Democratic Republic had recently adopted a new law on treaties and international agreements, replacing a presidential ordinance from 2009. Although the underlying principle remained unchanged — the country still had a dualist system, meaning that international agreements had the force of law only after having been explicitly incorporated into the domestic legal framework — a number of changes had been made. For example, some international agreements, or parts thereof, were directly applicable when so decided by the ratifying authority (the National Assembly or the Government). When existing legislation was incompatible with the provisions of an international instrument that the country was planning to ratify, it was the responsibility of the relevant authority to propose an amendment to that legislation or a new law to bring domestic law into line with international law. There were nonetheless still some points of incompatibility.

30. The country's courts could not invoke international legal instruments directly, but in adjudicating cases they took its international obligations into account. Efforts to inform members of the judiciary of the country's international obligations had been made possible in part by the International Law Project, a project administered by the Ministry of Foreign

Affairs and funded by the United Nations Development Programme, the European Union and other donors. Activities carried out as part of the Project had included a large number of courses, workshops and lectures for officials from public agencies, including law enforcement agencies, and members of the National Assembly and the judiciary. The Project had concluded in 2013, but training efforts were ongoing.

31. In the event of a conflict between article 22 of the Covenant, to which the country had made a reservation, and Decree No. 115 on Associations of 2009, the Covenant would prevail. In the event of a conflict between that article and the Constitution, however, the Constitution would prevail. Interpretative declarations concerning article 1 of the Covenant had been made by many States parties, including the Lao People's Democratic Republic. The Lao authorities had made their declaration to stress their view that the article should be interpreted to mean that the people of the country as a whole, not each of its 49 officially recognized ethnic groups, had the right of self-determination. The country's territorial integrity should not be affected by the right of self-determination recognized in article 1. The declaration concerning article 18 stated that the article should not be construed as authorizing or encouraging any activities by which anyone could be coerced or compelled into professing or not professing a religious belief or converting from one religion to another. That declaration had been made to legitimize some limits on the exercise of freedom of religion, a freedom that had been abused in the past.

32. The authorities were making every effort to strengthen the country's current human rights mechanisms, such as the National Committee on Anti-Human Trafficking and the National Commission for Persons with Disabilities and Elderly Persons, before establishing a national human rights institution. However, the National Steering Committee on Human Rights covered a wide range of human rights and, although it was not fully autonomous, it operated in accordance with some of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Its members included representatives of public agencies, the judiciary and the National Assembly. The experiences of other countries with their national human rights institutions had been studied, and members of the institutions of other countries, such as Australia, India and Indonesia, had been invited to discuss their experiences with the Lao authorities.

33. Under the Optional Protocol to the Covenant, individuals were expected to exhaust all available domestic remedies before submitting a communication to the Committee. The Lao People's Democratic Republic, however, did not have a comprehensive system of domestic remedies. For that reason, it was not yet prepared to ratify the Optional Protocol.

34. The Government had not ratified the International Convention for the Protection of All Persons from Enforced Disappearance in part because it was a complex instrument. In some ways, it could be seen as two instruments in one, as it covered matters, such as communications and visits, often covered by separate instruments. It could not be ratified until Lao officials had gained greater familiarity with it. Enforced disappearance had not been defined as a crime in its own right in domestic legislation but, as the country was not yet a party to the Convention, it had no legal obligation to ensure that enforced disappearance constituted an offence under its criminal law.

35. Considerable efforts, which had begun immediately after news of his disappearance had been received, had been made to elucidate the case of Sombath Somphone. International organizations had been contacted, for example, and notifications had been sent to police headquarters around the country. Resolving such cases was often difficult, but the Government was of the view that the Lao investigating authorities were capable of locating Mr. Somphone without international assistance.

36. **Mr. Sangsomsak** (Lao People's Democratic Republic), adding to the information that had already been provided, said that the Government was considering reviewing its reservation to article 22 and its declarations concerning articles 1 and 18. The National Steering Committee on Human Rights was chaired by a cabinet minister. Having such a high-level official in that position was a sign of the importance the Government attached to human rights.

37. Sombath Somphone, whom he had frequented in Washington, D.C., had once been a close friend of his. He had encouraged Mr. Somphone to return to Laos after completing his

studies. In Vientiane, after leaving his government post, Mr. Somphone had founded a non-governmental organization. Although Mr. Somphone had ultimately distanced himself from him, he had nonetheless been involved in ensuring that the authorities continued to pursue the case. Mr. Somphone had never been declared deceased or missing because of uncertainty about who should inherit his assets, which amounted to over half a million US dollars in cash and several properties. The woman who claimed to be his wife had failed to provide a marriage certificate, and his sister had been unable to submit convincing evidence that she was the rightful inheritor of his estate. The case therefore remained pending before the courts.

38. **Ms. Ernthavanh** (Lao People's Democratic Republic) said that, according to statistics for 2015, just under one fifth of ministers and one eighth of deputy ministers were women. Of the 437 directors-general in the various ministries, 16.2 per cent were women. The percentage of women governors at the provincial and district levels was low, at only 5 and 6 per cent respectively. Nevertheless, participation in the civil service across all levels was approaching gender parity. In the law enforcement system, women comprised 38 per cent of the 641 officers, and their participation rate was 27 per cent at district level and 39 per cent at provincial level. Moreover, 33.7 per cent of the employees of the Office of the Prosecutor were women.

39. **Ms. Phanit** (Lao People's Democratic Republic) said that all citizens were considered equal under articles 35 and 37 of the Constitution. The Government attached great importance to promoting and protecting the human rights of all individuals, including those with different sexual orientations. A drafting committee was currently working on a new law on gender equality, which would soon be submitted to stakeholders and the public for their comments. It was hoped that the draft law would be put to the National Assembly by the end of 2018.

40. As outlined in paragraph 24 of the State party's report, the Labour Law and the Law on the Development and Protection of Women provided women with the right to remuneration and benefits on an equal basis with men. Moreover, maternity leave had been increased from three to five months, and up to six months for mothers who had undergone a caesarean section.

41. The National Commission on the Advancement of Women and the Lao Women's Union worked hand in hand to disseminate information about women's rights. Various awareness-raising initiatives had been implemented, including a campaign that encouraged men and boys to speak out about violence against women in social and family settings.

42. The Lao Women's Union had a counselling centre in the capital city and a network of counselling service providers in all provinces. The Union ran programmes to support victims of domestic violence and ease their reintegration into society.

43. Article 13 of the Decree on the Rights of Persons with Disabilities stated that children with disabilities had the right to express their views freely on all matters affecting them and that their views would be given due weight in accordance with their age and maturity.

44. In line with the prevailing cultural tradition in the country, elderly people lived with and were cared for by younger members of their family, such as their children. No other form of home care was provided for elderly citizens.

45. Abortion was legal when the continuation of the pregnancy would endanger the life of the mother. However, unlawful abortions also took place. The State ran programmes to educate girls and women on the issue.

46. **Mr. Norasing** (Lao People's Democratic Republic), referring to questions asked by Ms. Waterval, said that national laws approached the concept of non-discrimination from different angles depending on their scope and substance. However, the basic principle of non-discrimination was enshrined in the Constitution. Whether there was a need for a comprehensive law on non-discrimination in Laos had been debated for some time but, as no definitive conclusion had been reached, he could not provide a timeline for the enactment of such a law.

47. As the Ministry of Labour had issued regulations in 2017 that supplemented the country's labour equality laws, he was not aware of any pay gap between men and women in the Lao People's Democratic Republic.

48. In the criminal justice system, the public prosecutor was authorized to issue arrest warrants for persons suspected of engaging in illegal activity. In emergency cases, law enforcement officers could arrest a suspect and place him in custody directly, but they must report the arrest to the public prosecutor and obtain an arrest warrant as soon as possible. They must also inform the suspect's family or next of kin. In such cases, the police had 24 hours to decide whether to open an investigation and apply to the public prosecutor for permission to do so.

49. **Mr. Khammoungkhoun** (Lao People's Democratic Republic), referring to questions asked by Mr. Santos Pais, said that, although a specific counter-terrorism law had not been adopted, acts of terrorism were currently covered by article 7 of the Law on Anti-Money Laundering and Counter-Financing of Terrorism. Human trafficking was a complex crime that often involved multiple actors and cross-border activities. The Government had made considerable efforts to counter human trafficking by adopting a number of policies and legislative measures, including the 2016 Anti-Human Trafficking Law and the second National Action Plan on Human Trafficking 2017–2020, which consisted of 5 programmes, 23 projects and 138 activities. Nevertheless, budget and human resource constraints posed challenges for the implementation of the plan. In February 2018, the National Steering Committee on Human Trafficking had released its annual report for 2017, in which it had highlighted the activities it was undertaking in collaboration with China, Viet Nam, Cambodia and Thailand, and outlined its cooperation with multilateral corporations, international organizations and United Nations specialized agencies.

50. **Mr. Sangsomsak** (Lao People's Democratic Republic) asked whether it would be possible to receive in writing the questions that had not yet been answered by the delegation.

51. **The Chair** said that Committee members could submit written queries through the secretariat if necessary. The delegation would have time to present its replies at the next meeting.

52. **Ms. Kran**, reiterating an earlier question, said that the delegation should provide an update on the status of several cases of alleged enforced disappearance, involving: the members of the Hmong community forcibly repatriated from Thailand in 2011; Kha Yang, the Lao ethnic Hmong arrested after his forced return from Thailand; the Hmong men who had been detained or subject to enforced disappearances after surrendering themselves to the authorities; the exiled Thai activist abducted by armed men in 2017; the student leaders arrested in October 1999 for organizing a peaceful pro-democracy protest; the two women and seven men detained by security forces in 2009; and the critic of Chinese-sponsored agricultural projects who had reportedly disappeared after being abducted by armed men in uniform. In addition, she asked whether the Government would consider opening up the National Steering Committee on Human Rights to members of civil society. She wondered if the administrative reasons for not ratifying the Optional Protocol to the International Covenant on Civil and Political Rights might be reconsidered in the light of the benefits that ratification would bring to the people of the Lao People's Democratic Republic. Lastly, as the delegation had encouragingly indicated that the Government might reconsider its reservation to article 22 of the Convention, she would welcome further information in that regard.

53. **Ms. Waterval** said that she had not heard replies to her questions about hate speech, discrimination against minorities and indigenous peoples, and the abolition of the mandatory death penalty. She would welcome details on cases in which the death penalty had been applied.

54. **Mr. Santos Pais** said that he had heard no mention of the prohibition of torture. At the following day's meeting, he would be keen to discuss the related issue of conditions in penitentiary institutions.

The meeting rose at 6 p.m.

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Held at the Palais Wilson, Geneva, on Thursday, 12 July 2018, at 10 a.m.

Chair: Mr. Shany

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial report of the Lao People's Democratic Republic (*continued*)
(CCPR/C/LAO/1; CCPR/C/LAO/Q/1 and CCPR/C/LAO/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the Lao People's Democratic Republic took places at the Committee table.*

2. **Mr. Thephachanh** (Lao People's Democratic Republic), resuming the delegation's replies to the questions raised at the previous meeting, said that Lao citizens had the right to lodge complaints and petitions to the competent State bodies, which examined and resolved them in accordance with the law. The National Assembly Standing Committee exercised oversight functions in regard to the activities of the people's courts, among others. In accordance with the Law on the Handling of Petitions, citizens had the right to present a petition for justice to the National Assembly, including in connection with judgments rendered by Lao courts. The National Assembly assessed whether the authorities had acted in conformity with the law and, if any irregularities were found, communicated with the public prosecutor to take further action by ordering the court to reopen the case. If no irregularities were found, the National Assembly would communicate with the Ministry of Justice to go ahead with enforcing the judgment or decision of the court.

3. In autumn 2017, the National Assembly had discussed the abolition of the death penalty at length. Following the discussion, the proposal had been put to the vote and two thirds of the members had voted in favour of retaining the death penalty, deeming it a necessary tool for combating crime in the country. However, in the amended Penal Code the number of offences that carried the death penalty had been reduced, and pregnant women and persons under 18 years of age were exempt from execution. Although the Government had never formally established a mortarium on the death penalty, a de facto moratorium had been in place for over thirty years.

4. **Mr. Daohoungsouly** (Lao People's Democratic Republic) said that imprisonment in the Lao People's Democratic Republic was intended for the re-education of criminals to ensure future compliance with the law after their release. Both the Law on National Public Security and the Law on Criminal Procedure prohibited the ill-treatment of persons in places of detention, and proceedings could be brought against prison staff accused of such violations. The Office of the Public Prosecutor and the police were mandated to exercise oversight of detention facilities and receive complaints of ill-treatment. The allegations of torture and ill-treatment of inmates in prisons, including locking their legs in wooden stocks for extended periods, beatings and burning their body parts with cigarettes, were baseless. Human rights organizations, the International Committee of the Red Cross (ICRC) and other international delegations had been invited to visit Lao prisons and drug rehabilitation centres, including the Somsanga Centre, and had engaged with national and foreign inmates to gain a first-hand perspective.

5. The Government was doing its utmost to improve detention facilities and infrastructure. The Lao People's Democratic Republic was a major drug transit country and prison overcrowding was a concern. Prisoners were separated by category and there were plans to build additional facilities throughout the country. The Government's humanitarian approach, prescribed in the Constitution and domestic legislation, provided for early release, pardon, amnesty and commutation of sentences. The statistics showed that the number of prisoners benefiting from those provisions had been increasing in recent years, from 846 sentences reduced and 209 prisoners released in 2015 to 1,596 sentences reduced and 339 prisoners released in 2017. Five death sentences had been commuted to lesser punishments.

6. **Mr. Phanthamaly** (Lao People's Democratic Republic) said that the Media Law protected journalists in the lawful exercise of their profession. All media agencies were required to comply with the Law and media ethics. To date, no media agency had been shut down as a result of reported violations.

7. **Mr. Norasing** (Lao People's Democratic Republic) said that the amended Penal Code, which was about to be promulgated, established torture as a punishable offence.

8. With regard to the Committee's concern about possible derogations from article 4 of the Covenant during states of emergency, he wished to confirm that the Law on National Security and the Law on National Defence recognized the non-derogable rights set forth in the Covenant and required that the conduct of the authorities must comply with the relevant laws, notably the Law on Criminal Procedure. Although the language of national legislation deviated from the wording used in the Covenant, the essence of articles 4, 6, 7 and 8 of the Covenant was well reflected.

9. Owing to time constraints, the delegation had been unable to obtain statistics on convictions for hate speech under articles 94–96 of the Penal Law and would submit the requested information in writing. No judgments had been issued under article 177 of the Penal Law, which criminalized discrimination against women.

10. **Ms. Phanit** (Lao People's Democratic Republic) said that she would submit a reply in writing.

11. **Mr. Sisoulath** (Lao People's Democratic Republic) said that the allegations of enforced disappearance of Kha Yang, Ko Tee were baseless. The authorities had checked the list of ethnic Hmong persons who had returned from Thailand and Kha Yang's name had not been on that list. Despite all necessary steps taken by the authorities to ascertain the whereabouts of Ko Tee, there had been no evidence supporting the allegations of his disappearance on Lao territory. The allegations concerning the seven men, and two men and others, were equally baseless. The information before the Committee came from unreliable sources and his Government resolutely rejected the allegations contained therein. The Lao People's Democratic Republic had been among the first countries to sign the International Convention for the Protection of All Persons from Enforced Disappearance and strongly condemned all forms of enforced disappearance.

12. Civil society organizations were not entitled to participate in the Government's National Steering Committee on Human Rights but were kept abreast of the Committee's activities, including during the preparation of reports to United Nations bodies.

13. In response to the question regarding the accession by the Lao People's Democratic Republic to the Optional Protocol to the Covenant, he said that his country was party to several international human rights instruments. Given its limited resources and capacities, the Government was currently focusing on the implementation of existing commitments, instead of on incurring new obligations. At the same time, efforts were being made to strengthen domestic remedies, in particular through the Law on the Handling of Petitions. The reservation to article 22 of the Covenant was intended to clarify that the article must be applied in conformity with the Lao Constitution and relevant domestic legislation, and that the exercise of freedom of expression must not undermine the political regime and the system of government chosen by the Lao people in pursuit of their right to self-determination.

14. **Mr. Santos Pais** said that the Committee was gravely concerned by reports of harsh conditions in places of detention, overcrowding, arbitrary detention, lack of due process, ill-treatment and lack of judicial oversight. The delegation should indicate whether a comprehensive report had been prepared on the situation in places of detention and, if so, share the details with the Committee. Data on the number and location of onsite visits conducted by the Office of the Public Prosecutor in the previous five years and their outcome would also be appreciated. It would also be useful to know how many complaints concerning conditions of detention had been received and what measures had been taken in response. He asked whether the Office of the Public Prosecutor monitored the situation of prisoners detained beyond the term of their sentence. It would be helpful to obtain data on the number of disciplinary actions, criminal prosecutions and other measures taken in the previous five years against prison officials accused of having violated prisoner's rights. The delegation should elaborate on the conclusion reached in the investigation into the death of Khamphouvieng Sisa-at and indicate whether his family had received compensation.

15. The Committee would be grateful to obtain updated statistics on the prison population, disaggregated by sex, age, length of sentences and type of offence; the number of prison facilities and their official capacity; and the number of prison officers and medical staff. He asked what measures the Government intended to take to improve prison conditions and what progress had been made with the construction of additional facilities. It would also be useful to know what measures were envisaged to ensure judicial and prosecutorial oversight of drug detention centres.

16. Would the delegation explain how the right of ethnic minorities to free, prior and informed consent was ensured in the context of development projects, extractive activities and land use concessions affecting their ancestral lands? It would also be helpful to know how the State party reconciled the development objective of the relocation policy with the need to preserve ethnic communities' identity, ties to land, traditional ways of life and cultural heritage. He asked what measures the State party intended to take to grant land activists freedom of speech and access to justice and to ensure that resettled communities received adequate and effective compensation. He also wished to know whether the circumstances of the arrest of 14 villagers in Thateng district in July 2017 for protesting against violation of their land rights had been duly investigated.

17. The delegation should inform the Committee about the measures taken to end the persecution of the Hmong ethnic minority group, respond to allegations of detention and enforced disappearance of several of its members, and address the reported malnutrition and lack of access to health care in Hmong communities. He asked whether Thao Moua and Pa Phue Khang remained in prison and, if so, where and for how long. The delegation should inform the Committee whether the reported attack of 6 April 2006 in the northern province of Vientiane had been investigated and, if so, convey the outcome of those investigations.

18. **Mr. Ben Achour** said that the implications of the "exit tax" imposed on prisoners needed clarification. Was it true that the "exit tax" was essentially a fine or civil damages that prisoners had failed to pay when they were placed in detention, and that they were kept in detention if they were unable to pay on release? If so, that practice was incompatible with the Covenant. No person could be imprisoned for debt or kept in prison after they had served their sentence.

19. The Committee had been informed that a committee of the Lao National Assembly had published a report in July 2015, which had confirmed the existence of detention without charge and detention beyond the statutory limit in the State party. The delegation should inform the Committee whether such a report indeed existed and, if so, comment on the findings.

20. Although State party legislation recognized freedom of religion or belief, the Committee had been informed that the Christian minority was sometimes subject to discrimination and repression. It would be useful if the delegation could comment on that information.

21. **Ms. Waterval** said that she wished to have more information on the practices applicable to defendants in criminal trials. She wondered whether it was true that defence lawyers, while permitted to attend trials, could not argue the merits of cases, challenge evidence or mount cases for their clients. She would like to know how defendants were informed of the charges against them and how the presumption of innocence worked in practice.

22. She would appreciate information on the independence of the judiciary, including who was responsible for appointing judges, particularly as the Constitution provided for the referral of cases to the public prosecutor by the National Assembly. While acknowledging the obligation on all state and party organizations to comply with final court decisions, she would like to know whether individuals were similarly bound.

23. Regarding the right to peaceful assembly, she wished to know how the Government interpreted the term "social disorder" in article 72 of the Penal Law. Further, she would like to know how many people had been arrested, prosecuted and convicted for causing social disorder and whether, in the view of the delegation, that article was aligned with article 21

of the Covenant. Lastly, she would welcome the delegation's response to claims that Lao citizens had been arrested for participating in peaceful demonstrations abroad in December 2015.

24. **Ms. Brands Kehris** said that she wished to have more specific answers concerning legal provisions that unduly restricted freedom of expression. In particular, the State party should explain how the restrictions provided for in Decree No. 327 of 16 September 2014 and articles 65, 94 and 95 of the Penal Law met the requirements set out in general comment No. 34, namely that all such restrictions should be provided by law and conform to strict tests of necessity and proportionality.

25. She would appreciate more information on state control of the media, including the amended Law on Media which reportedly increased restrictions and aimed to ensure strict adherence to, and promotion of, government policy. The delegation should explain how such provisions were compatible with the freedom of expression guaranteed in the Constitution and article 19 of the Covenant. She also wished to have details on the application of articles 50 and 51 of the Law on Media and article 52 of the Law on Publication, including statistics on related investigations, prosecutions, sanctions and available remedies.

26. She would be grateful for more specific information about the restrictions imposed on international media and other bodies, including by virtue of the Decree of November 2015 on Management of Foreign Media Agencies, the Media of Diplomatic Missions and International Organizations. She would welcome comments on the obligation to submit materials for government approval prior to publication, as well as further information and statistics on censorship measures and sanctions for the publication of unapproved content. She would be particularly interested to hear if there were any mechanisms for appeals against such measures and sanctions.

27. The State party's response to reports of arbitrary arrest, detention, trial and imprisonment without due process on grounds of political opposition and criticism of state authorities or policies, while welcome, did not address the Committee's questions regarding restrictions on freedom of expression and their strict necessity and proportionality in the cases of Bounthanh Thammavong, Somphone Phimmasone, Lodkham Thammavong and Soukan Chaithad, or explain how the mere expression of opinions could be equated with acts posing a real and credible threat to the State. She wished to have additional information on the situation of those individuals; the number of investigations, detentions, prosecutions and convictions under articles 56, 65 and 72 of the Penal Law; and the scope for expression of political opposition or criticism of official policies, in view of the broad definitions contained in those articles.

28. While acknowledging the information provided by the State party on freedom of association, she would like to know how the registration procedures for foundations and associations, which were reportedly slow and burdensome, were compatible with that principle and with the State party's objective, as stated in its reply to the list of issues, "to encourage and promote the activities of civil society organizations". She would appreciate specific details about any associations focusing on the protection of human rights that may have been registered.

29. She wished to know what steps the State party had taken to address concerns that Decree No. 238, as amended, enabled arbitrary restriction of the right of association owing to its failure to define key terms or provide for any means of appeal against the dissolution of associations, its criminalization of unregistered associations and its provisions granting broad powers for the monitoring and curtailment of association activities. She wished to know whether the State party would consider extending an invitation to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, who could help it to align such legislation with international standards. Further, she would like the State party to explain how Decree No. 013 and related guidelines, which appeared to restrict the registration and activities of international non-governmental organizations (NGOs) in line with government policies and objectives, corresponded to the constitutional guarantees of freedom of association.

30. While noting the information provided by the State party on its framework for political participation, she wished to know how the role of the Lao People's Revolutionary Party as defined in the Constitution provided for political pluralism, given the ban on establishing other parties and the restrictions on criticizing the policies of the Party or the Government. She was interested to learn what measures had been taken to enhance political pluralism and its free expression. She also wished to know whether the right of citizens to stand for election was subject to the approval of the Lao People's Revolutionary Party and, if so, how that was compatible with article 25 of the Covenant.

31. With reference to paragraph 94 of the State party's reply to the list of issues, she wished to know how the decision was reached to revoke the electoral rights of persons with mental disabilities. In addition, she would like the State party to clarify whether all convicted persons were barred from participating in elections and whether such restrictions were time-limited, individualized and proportional to offences and sentences.

32. **Ms. Kran** said that she would be interested to know whether civil society had contributed to the drafting of the State party report and how ethnic minorities and other minority groups were involved generally in the process of reporting to the Committee. She also wished to know whether the State party planned to translate the Committee's concluding observations into minority languages and disseminate and broadcast them, including via social media, to all citizens.

33. The State party's most recent report to the Working Group on the Universal Periodic Review had stated that laws and human rights conventions had not been widely disseminated owing to resource and capacity constraints, to the extent that the general public and even officials were unfamiliar with the Government's human rights obligations and commitments. Similarly, the family members of disappeared persons were reportedly unaware of United Nations human rights mechanisms and hence unable to access them. She would like to know what steps had been taken to address the aforementioned constraints and raise awareness of legal instruments and human rights conventions.

34. The delegation had drawn the Committee's attention to certain gaps and conflicts between international and domestic laws. She would be interested to hear how the State party planned to bridge those gaps.

35. She understood that the National Steering Committee on Human Rights consisted of government officials and did not receive and investigate complaints, in which case it could not be considered a national human rights institution under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). She would be grateful to have the delegation's comments in that regard.

36. She gathered that the State party needed to raise awareness and build capacity before it could ratify the International Convention for the Protection of All Persons from Enforced Disappearance and that, until such time, disappearances could not be recognized in domestic law. However, the State party had also accepted the recommendation of the Human Rights Council on the ratification of that Convention. She would be grateful to know what measures it had taken to follow up that recommendation.

37. Lastly, recent events in the State party appeared to reveal a pattern of impunity for enforced disappearances. Given the obligation under the Covenant to investigate, prosecute, punish and provide reparation for such acts, she wished to know what steps the State party was taking to effectively investigate them and ensure the accountability of those responsible.

38. **Mr. de Frouville** said that he did not understand why the non-ratification of the International Convention for the Protection of All Persons from Enforced Disappearance should prevent the State party from criminalizing such acts. Moreover, the Committee did not wish to have the delegation's views on Sombath Somphone's personality; rather, it wished to know what steps were being taken to investigate his disappearance. In that regard, he wished to draw the delegation's attention to the Model Law on the Missing, drafted by the ICRC, which provided guidance on the establishment of a system for declarations of absence and the management of missing people's assets. Against that

backdrop, he wished to know whether the State party would consider adopting a law on enforced disappearances pending the ratification of the Convention.

39. **The Chair** said that the delegation should endeavour to give detailed answers to specific allegations of disappearances, torture and deaths in custody, providing information on investigative steps taken, outcomes of investigations, court decisions, if any, and domestic and international monitoring mechanisms in place.

40. **Mr. Sangsomsak** (Lao People's Democratic Republic) said that he would be grateful if the meeting could be extended, so that the delegation could answer the large number of questions raised.

The meeting was suspended at 11.20 a.m. and resumed at 11.50 a.m.

41. **Mr. Daohoungsouly** (Lao People's Democratic Republic) said that detention facilities across the country provided separate accommodation for men, women, persons under 18 years, persons awaiting execution and persons with communicable diseases. The Somsanga Centre was not a detention facility but a rehabilitation centre where drug users could voluntarily admit themselves. Sanitary conditions at the centre had been improved and clean water was provided. Reports of torture were false. Children had been apprehended by village militia at the request of parents, who could not cope with their behaviour and had asked for them to be taken to Somsanga. Beggars and street children were not arrested, and person with mental disorders were taken to hospital for treatment. Nor were children abused at Somsanga: parents were able to visit them and bring food for them daily. As the Ministry of Public Security had already clarified, the Government planned to establish facilities in central, southern and northern Laos to alleviate overcrowding in prisons. Pardon and amnesty policies in place had already been explained. Detention centres had medical facilities for the emergency treatment of prisoners. Each facility had between three and five medical personnel. Inmates who could not be treated there were taken to provincial hospitals at the expense of the Government.

42. Regarding the death of Khamphouvieng Sisa in September 2011, forensic examiners and investigators had confirmed that the cause of death was a serious, deteriorating stomach illness. In addition to other relevant parties, his relatives had been notified and were present during his treatment and the forensic examination. Pa Phue Khang, who had been arrested in 2003 and sentenced to 15 years' imprisonment, had been released in March 2015 after his sentence had been reduced.

43. Some prisoners were liable to pay civil damages or fines following completion of their sentences. For example, an individual convicted of murder would have to pay civil damages to compensate the family of the victim. The means and schedule of payment were determined by the relevant authorities, and it was possible for payment to be made in instalments. Foreign prisoners were required to pay expenses and civil damages. In the event that they could not pay such charges, their embassies would be notified and they could experience a delay or complication in their release from prison. The Government was working to address the issue.

44. Prosecutors were authorized to monitor and inspect all prisons. There was no prescribed time frame for inspections, and visits could take place several times a month if considered necessary. In the majority of cases, provincial prosecutors were responsible for inspections within their jurisdictions.

45. **Mr. Phanouvong** (Lao People's Democratic Republic) said that, under article 9 of the Constitution, all Lao citizens had the right to practise any religion, and Decree No. 315 on the Management and Protection of Religious Activities provided that legal persons were forbidden to force or coerce others into believing in a given religion. The State respected all lawful religious activities and encouraged adherents of all faiths to participate in nation-building and the implementation of universal equal rights. For the previous two years, the Government had been disseminating Decree No. 315, which had been drafted with the involvement of representatives of different religions, and would review its implementation in 2019.

46. The Government had introduced the Decree on Compensation and Resettlement of People affected by Development Projects, under which all such projects were required to

conduct a social impact assessment and provide information on the project and on plans to enhance the living conditions of those relocated. Projects must also abide by the guidelines on consultations with all ethnic groups affected, in order to ensure continued access to State services. In addition, a strategy on ethnic affairs was under development and would be brought before the Government in August 2018.

47. **Mr. Nhotleuxay** (Lao People's Democratic Republic) said that the Government was working to improve the registration process for organizations and met with their representatives regularly to address any problems. A time limit on the registration process had been introduced to address delays, which had been caused in part by the high number of applications. The Government provided advice to registering organizations and checked financial records thoroughly in order to avoid any potential misconduct. The Ministry of Home Affairs did not prohibit the activities of unregistered organizations, but they could face difficulties when working with registered organizations and attempting to raise funds. There were numerous active civil society organizations in the fields of education, public health, the environment, labour and social welfare, justice, the rights of women and children, and forestry. Marginally more registration applications were granted than denied.

48. **Mr. Khammoungkhoun** (Lao People's Democratic Republic) said that the decree on international NGOs was often misunderstood and misinterpreted. It was not intended to restrict or delay the registration of NGOs, but rather to facilitate their work, and it provided clear guidelines on how to obtain approval in a specified time frame. The Government worked to ensure the accountability of NGOs, in order to guarantee that such organizations allocated their funding appropriately and to the benefit of people in need. Over 160 international NGOs were registered, the largest number of which were from the United States of America, followed by South Korea and France. They were operational in almost all provinces and had launched projects in sectors including social welfare, rural development and disaster relief.

49. **Mr. Phanthamaly** (Lao People's Democratic Republic) said that the Law on Media guaranteed the right of Lao citizens to freedom of expression, to access the media and to provide information to and receive information from them. Individuals and organizations had the right to organize and participate in media work, and the Government encouraged media organizations to improve their technical capacities and develop production and distribution facilities. There were currently 3 private television stations, more than 10 community radio stations and over 13 daily newspapers. There were over 1 million Internet users and over 3,000 people employed in the media, of whom 30 per cent were female.

50. The Decree on the Management of Foreign Media Agencies regulated and facilitated the activity of foreign media outlets to ensure their compliance with Lao legislation. There was no restriction on their access to information or on the import of media materials from abroad, although permission was required from the relevant authorities. There were no prohibitions on the content of media coverage, and no reporters had been arrested or imprisoned. As of 2018, there were approximately 3,000 foreign journalists in the country, and over 100 reporters from six countries had recently participated in the Lancang-Mekong international media summit.

51. **Mr. Norasing** (Lao People's Democratic Republic) said that the actions of Somphone Phimmasone, Lodkham Thammavong and Soukan Chaithad were criminal offences under the Penal Law. The three defendants had refused counsel and had chosen to defend themselves, and their trial had been conducted with regard for due process and in compliance with international law, including the Covenant. In testimony provided before the trial, the defendants had admitted to attempting to overthrow the Government, organizing anti-Government activities and recruiting people for those purposes. They had also admitted to receiving financial support from foreign nationals in Australia, Thailand and the United States of America.

52. **Mr. Thephachanh** (Lao People's Democratic Republic) said that, under the Constitution, the executive and the judiciary were subject to the oversight of the National Assembly, to which they had reporting commitments. The National Assembly was also responsible for electing and, if necessary, removing the President of the People's Supreme Court and the Supreme People's Prosecutor. The National Assembly did not interfere in the

work of the judiciary, and it received complaints about the conduct of state organizations. Complaints and petitions could be referred to the Supreme People's Prosecutor if irregularities were found, and, if not, the Ministry of Justice would enforce court decisions as instructed by the National Assembly. All Lao citizens and organizations, including civil society and international organizations, must strictly abide by final court decisions.

53. Article 3 of the Constitution guaranteed the right of the multi-ethnic Lao people to a political system with the Lao People's Revolutionary Party as the leading body. The National Election Committee was formed of members of various organizations. All citizens were entitled to stand for election at all levels, with candidates proposed by recognized organizations and selected through a transparent mechanism. Candidates were not required to be members of the Lao People's Revolutionary Party. The right to vote was not afforded to people medically certified as mentally unfit or to persons serving custodial sentences.

54. Regarding the July 2015 report on the extended detention of prisoners, in that instance the National Assembly had recommended to the Government and the relevant authority that the situation should be addressed. In addition to the oversight of the National Assembly, the Justice Committee monitored the work of the judiciary, including in detention facilities.

55. **Mr. Norasing** (Lao People's Democratic Republic), acknowledging that the provisions of the international instruments ratified by his country had not yet been fully incorporated into domestic law, said that shortcomings in that regard were due to the difficulty of applying international law in a specific socioeconomic context. The Ministry of Justice and the National Assembly had recently established special departments to review the content and implementation of domestic legislation. Steps were being taken to align national legislation with the relevant international instruments, based on the recommendations made during the universal periodic review. International NGOs and bodies of the United Nations system had been consulted on the new Penal Code.

56. **Mr. Sisoulath** (Lao People's Democratic Republic) said that the restrictions placed on the right of peaceful assembly in order to preserve public order were consistent with article 21 of the Covenant. The case that had been mentioned by the Committee concerned three people who had organized a protest in front of the Embassy of the Lao People's Democratic Republic in Bangkok, on the fortieth anniversary of the country's founding, in order to discredit the country's achievements. They had committed criminal offences, such as raising a flag that was outlawed in the country, in exchange for payment from persons who were being detained abroad. Those offences bore no relation to freedom of expression. The three offenders had been tried and convicted in accordance with the law and were serving prison sentences. Similarly, in the case of Bounthanh Thammavang, the offender had not sought to exercise freedom of expression but rather had been paid by an ill-intentioned group outside the country to criticize the Government online. His prison sentence had been reduced by one year for good behaviour.

57. The Government was still actively investigating the disappearance of Sombath Somphone and had provided information to all interested parties, including various ambassadors and diplomats. Unfortunately, the case was very complex and would take years to solve. A proposal to include a definition of enforced disappearance in the Criminal Code had been voted down by the National Assembly on the basis that the State was not yet a party to the International Convention for the Protection of All Persons from Enforced Disappearance and was therefore under no obligation to establish such a definition.

58. He wished to clarify the details of the case involving so-called land rights defenders. The authorities had offered compensation to a community whose land had been affected by development projects. A few members of the community had refused the offer of compensation and had filed complaints with various bodies in order to obstruct the development of the country. As a result, they had been arrested by the authorities and investigated in accordance with the law.

59. Steps were being taken to review the mandate of the National Steering Committee on Human Rights, taking into account the Paris principles and advice from the international community. A compilation of international human rights treaties had been published and disseminated to various target groups in order to raise awareness of the content of the

Covenant. Civil society consultations had been organized as part of the reporting process, and the outcomes of the dialogue with the Committee would be shared widely. Consideration would be given to making use of the ICRC Model Law on the Missing.

60. **Ms. Brands Kehris** said that her questions on the restriction of media content had not been fully answered. With regard to the election process, she wondered if the delegation could confirm that all candidates must be nominated by the ruling party or a State-sponsored organization. She would also like to know which authority was responsible for depriving persons with intellectual and psychosocial disabilities of the right to vote and whether all prisoners, regardless of the nature of their sentence, were banned from voting.

61. **Ms. Waterval** asked how many persons had been sentenced to death for drug-related offences and when the most recent death sentence had been handed down.

62. **Mr. Ben Achour**, pointing out that criticism of the Government fell within the scope of freedom of expression, said that he was familiar with the history of the State party and the challenges that it had faced. Now that its situation had stabilized, it should consider opening itself up to political pluralism.

63. **Mr. Sisoulath** (Lao People's Democratic Republic) said that the Government had studied the Committee's general comment No. 34 on freedoms of opinion and expression very carefully while drafting the Law on Media. It was aware that the Law was not fully aligned with international human rights instruments and had recently organized some workshops to address that issue.

64. The political regime of the Lao People's Democratic Republic, which was enshrined in its Constitution and reflected the aspirations of the Lao people, was legitimate under international law. States parties to the Covenant had the right to pursue socioeconomic development freely and without external interference; they could not be expected by the Committee to adopt a particular political system.

65. **Mr. Daohoungsouly** (Lao People's Democratic Republic) said that, out of 315 persons on death row, 311 had been convicted of drug-related offences and 4 had been convicted of murder.

66. **Mr. Sangsomsak** (Lao People's Democratic Republic) said that he was pleased that the dialogue had been conducted in a frank, constructive and professional manner, without interference in the State's internal affairs. His country was willing to cooperate with the Committee in order to improve its implementation of the Covenant; he hoped that, in turn, the Committee was prepared to acknowledge the constraints and challenges faced by his country. In order to maintain its credibility, the Committee should check the reliability of its sources, for many of the claims that had been made were completely unfounded. Lastly, although he was grateful to Mr. Ben Achour for his encouragement, it was worth noting that the country had introduced a multiparty system upon gaining independence and had suffered a lengthy civil war as a result. The country needed strong leadership in order to develop and was not yet ready for political pluralism.

67. **The Chair** said that he wished to thank the delegation for the constructive dialogue. The Committee's aim was to help the State to fulfil its obligations under the Covenant and to live up to its name by becoming a democratic country governed by the rule of law. States parties were entitled to adopt the political system of their choice; however, they must comply with the universal standards set forth in the Covenant. They were required by the Covenant to protect civic space and to ensure accountability for human rights violations.

The meeting rose at 1.20 p.m.